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Commission on Crime Prevention and Criminal Justice

Report on the thirteenth session (11-20 May 2004)

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Note

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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly:

Draft resolution I

Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

The General Assembly,

Recalling its resolution 56/119 of 19 December 2001 on the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, in which it stipulated the guidelines in accordance with which, beginning in 2005, the congresses, pursuant to paragraphs 29 and 30 of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme,[1] should be held,

Recalling also its resolution 57/170 of 18 December 2002 on the follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[2]

Recalling further its resolution 57/171 of 18 December 2002, in which it decided that the main theme of the Eleventh Congress should be "Synergies and responses: strategic alliances in crime prevention and criminal justice",

Recalling its resolution 58/138 of 22 December 2003, in which it requested the Commission on Crime Prevention and Criminal Justice to accord sufficient time at its thirteenth session to reviewing the progress made in the preparations for the Eleventh Congress, to finalize in good time all the necessary organizational and substantive arrangements and to make its final recommendations, through the Economic and Social Council, to the General Assembly,

Recognizing the significant contributions of the congresses in promoting the exchange of experience in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental and non-governmental organizations and individual experts representing various professions and disciplines,

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[1] General Assembly resolution 46/152, annex.

[2] General Assembly resolution 56/261, annex.

Recognizing also the efforts already made by the Government of Thailand to prepare for the hosting of the Eleventh Congress in Bangkok from 18 to 25 April 2005,

Stressing the importance of undertaking all the preparatory activities for the Eleventh Congress in a timely and concerted manner,

1. *Takes note with appreciation* of the report of the Secretary-General on the preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice;[3]

2. *Also takes note with appreciation* of the discussion guide[4] prepared by the Secretary-General, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, for the regional preparatory meetings for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice;

3. *Acknowledges* the relevance of the regional preparatory meetings, which have examined the substantive items of the agenda and the workshop topics of the Eleventh Congress and made action-oriented recommendations[5] to serve as a basis for the draft declaration to be adopted by the Eleventh Congress;

4. *Requests* the Commission on Crime Prevention and Criminal Justice to begin preparation of a draft declaration at intersessional meetings to be held following its thirteenth session, for submission to the Eleventh Congress at least one month prior to its commencement, taking into account the recommendations of the regional preparatory meetings;

5. *Approves* the draft programme of work for the Eleventh Congress and the documentation related thereto;

6. *Reiterates* its decision, contained in its resolution 58/138 of 22 December 2003, that the high-level segment of the Eleventh Congress shall be held during the last three days of the Congress in order to allow heads of State or Government or government ministers to focus on the main substantive agenda items of the Congress;

7. *Emphasizes* the importance of the workshops to be held during the Eleventh Congress, and invites Member States, intergovernmental and non-governmental organizations and other relevant entities to provide financial, organizational and technical support to the United Nations Office on Drugs and Crime and to the institutes of the United Nations Crime Prevention and Criminal Justice Programme network for the preparations for the workshops, including the preparation and circulation of relevant background material;

8. *Invites* donor countries to cooperate with developing countries to ensure their full participation in the workshops, and encourages States, other entities concerned and the Secretary-General to work together in order to ensure that the workshops focus on the respective issues and achieve practical results, leading to technical cooperation ideas, projects and documents related to enhancing bilateral

[3] E/CN.15/2004/11.

[4] A/CONF.203/PM.1 and Corr.1.

[5] A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1.

and multilateral efforts in technical assistance activities in crime prevention and criminal justice;

9. *Reiterates* its invitation to Governments and relevant intergovernmental and non-governmental organizations to inform the Eleventh Congress about their activities aimed at putting into practice the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[2] with a view to providing guidance in the formulation of legislation, policies and programmes in the field of crime prevention and criminal justice at the national and international levels, and, to that end, requests the Secretary-General to compile that information and to prepare a report on the subject to be submitted to the Eleventh Congress for consideration;

10. *Reiterates* its request to the Secretary-General to make available the resources necessary to ensure the participation of the least developed countries in the Eleventh Congress, in accordance with past practice;

11. *Encourages* Governments to make preparations for the Eleventh Congress at an early stage by all appropriate means, including, where appropriate, the establishment of national preparatory committees, with a view to contributing to a focused and productive discussion on the topics and to participating actively in the organization and conduct of the workshops, the submission of national position papers on the various substantive items of the agenda and the encouragement of contributions from the academic community and relevant scientific institutions;

12. *Reiterates* its invitation to Member States to be represented at the Eleventh Congress at the highest possible level, for example by heads of State or Government or government ministers and attorneys general, and to participate actively in the high-level segment;

13. *Requests* the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Eleventh Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups, and to take appropriate measures to encourage the participation of the academic and research community in the Congress;

14. *Encourages* the relevant specialized agencies and programmes of the United Nations system and intergovernmental and non-governmental organizations, as well as other professional organizations, to cooperate with the United Nations Office on Drugs and Crime in the preparations for the Eleventh Congress;

15. *Requests* the Secretary-General to ensure, in collaboration with Member States, a wide and effective programme of public information relating to the preparations for the Eleventh Congress, to the Congress itself and to the follow-up to and implementation of its recommendations;

16. *Welcomes* the appointment, by the Secretary-General of the United Nations, of a Secretary-General and an Executive Secretary of the Eleventh Congress, to perform their functions under the rules of procedure for United Nations congresses on crime prevention and criminal justice;

17. *Requests* the Secretary-General to prepare an overview of the state of crime and criminal justice worldwide for presentation at the Eleventh Congress, in accordance with past practice;

18. *Calls upon* the Eleventh Congress to formulate concrete proposals for further follow-up and action, paying particular attention to practical arrangements related to the effective implementation of the international legal instruments pertaining to transnational organized crime, terrorism and corruption and technical assistance activities related thereto;

19. *Requests* the Commission on Crime Prevention and Criminal Justice at its fourteenth session to give high priority to considering the conclusions and recommendations of the Eleventh Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the General Assembly at its sixtieth session;

20. *Requests* the Secretary-General to ensure the proper follow-up to the present resolution and to report thereon, through the Commission on Crime Prevention and Criminal Justice, to the General Assembly at its sixtieth session.

Draft resolution II

Assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of conferences of States parties

The General Assembly,

Recalling its resolution 55/2 of 8 September 2000, by which it adopted the United Nations Millennium Declaration, in particular paragraph 15 thereof, in which the heads of State and Government undertook to address the special needs of the least developed countries,

Recalling also its resolution 58/228 of 23 December 2003, in particular paragraph 9 thereof, in which it requested the Secretary-General to take appropriate measures, within existing resources and with the full participation of the regional economic commissions and relevant United Nations bodies, to support the participation of the least developed countries in international meetings, as well as in their preparation and consultation processes,

Stressing the need for the effective and timely ratification of the United Nations conventions and protocols related to transnational organized crime, corruption and terrorism and their subsequent implementation,

Recognizing the critical significance of those instruments, which provide a legal framework for strengthening international cooperation, based on mutual commitments by the least developed countries and their development partners to undertake specific action to ensure the full implementation of the provisions of the instruments,

Welcoming the contributions already made by multilateral and bilateral donors to ensure the participation of representatives of least developed countries in the

negotiation of the United Nations Convention against Transnational Organized Crime[6] and the Protocols thereto,[7] as well as the United Nations Convention against Corruption,[8]

Emphasizing the importance of the effective participation of all relevant stakeholders from the least developed countries, developing countries and countries with economies in transition in the sessions of the Commission on Crime Prevention and Criminal Justice and in the sessions of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption,

1. *Calls upon* Member States, international organizations and funding institutions to redouble their efforts to increase their voluntary contributions to assist the Secretary-General in covering the cost of travel and daily subsistence allowance for the participation of representatives of least developed countries in the sessions of the Commission on Crime Prevention and Criminal Justice and in the sessions of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption, and requests the Executive Director of the United Nations Office on Drugs and Crime to intensify efforts to ensure the increased participation of representatives of least developed countries in those meetings;

2. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of the present resolution.

Draft resolution III

Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime

The General Assembly,

Recalling its relevant resolutions on the prevention and suppression of terrorism, as well as Security Council resolutions 1269 (1999) of 19 October 1999, 1373 (2001) of 28 September 2001, 1377 (2001) of 12 November 2001 and 1456 (2003) of 20 January 2003,

Recalling also its resolutions 56/1 of 12 September 2001, in which it strongly condemned the heinous acts of terrorism of 11 September 2001 and urgently called for international cooperation to prevent and eradicate acts of terrorism, and 57/27 of 19 November 2002, in which it also condemned those in Bali and Moscow, as well as Security Council resolutions 1450 (2002) of 13 December 2002, 1465 (2003) of 13 February 2003, 1516 (2003) of 20 November 2003 and 1530 (2004) of 11 March

[6] General Assembly resolution 55/25, annex I.
[7] General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.
[8] General Assembly resolution 58/4, annex.

2004, condemning in the strongest terms the bomb attacks in Kikambala, Kenya; Bogota; Istanbul, Turkey; and Madrid, respectively, and expressing its deepest sympathy and condolences to the victims of terrorist attacks and their families,

Condemning the acts of violence perpetrated in many parts of the world against humanitarian personnel and United Nations and its associated personnel, in particular deliberate attacks, which are in violation of international humanitarian law as well as other international law that may be applicable, such as the attack against the headquarters of the United Nations Assistance Mission for Iraq in Baghdad on 19 August 2003,

Recalling its resolutions 58/136 and 58/140 of 22 December 2003, in which it, inter alia, encouraged the activities of the United Nations Office on Drugs and Crime within its mandates in the area of preventing terrorism by providing Member States, upon request, with technical assistance, specifically to implement the universal conventions and protocols related to terrorism, thereby strengthening international cooperation in preventing and combating terrorism, working in close coordination with the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and the Office of Legal Affairs of the Secretariat, as well as with international, regional and subregional organizations and specialized agencies,

Mindful of its resolution 58/81 of 9 December 2003, in which it welcomed the efforts of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognized, in the context of Security Council resolution 1373 (2001), the role of the Branch in assisting States to become parties to and implement the relevant international conventions and protocols related to terrorism,

Recalling Security Council resolution 1535 (2004) of 26 March 2004 to enhance the ability of the Counter-Terrorism Committee to monitor the implementation of Council resolution 1373 (2001),

Recalling also the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[9] which emanated from the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,

Noting with appreciation the issuance of the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*[10] in all the official languages of the United Nations, which was reviewed by an expert group hosted by the International Institute of Higher Studies in Criminal Sciences in Siracusa, Italy,

Noting also with appreciation the guidelines for technical assistance within the framework of international cooperation against terrorism, which were formulated and reviewed during an expert group meeting held in Cape Town, South Africa, from 24 to 27 February 2004,

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[9] General Assembly resolution 55/59, annex.

[10] United Nations publication, Sales No. E.04.V.7.

Deeply concerned that acts of international terrorism continue to be perpetrated, endangering the lives and well-being of individuals worldwide, as well as the peace and security of all States,

Reaffirming its unequivocal condemnation of terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter of the United Nations, international law and the relevant international conventions,

Recalling that Member States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and that such measures are adopted in accordance with international law, in particular international human rights, refugee and humanitarian law,

Mindful of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

1. *Commends* the United Nations Office on Drugs and Crime for its work in preventing and combating terrorism through the provision of technical assistance, in close consultation with the Counter-Terrorism Committee, for the implementation of Security Council resolution 1373 (2001), in particular for the promotion of the ratification of, accession to and implementation of the universal conventions and protocols related to terrorism;

2. *Also commends* the efforts of the United Nations Office on Drugs and Crime to reinforce close cooperation with international, regional and subregional organizations, such as the Council of Europe, the International Monetary Fund, the Organization of American States, the Organization for Security and Cooperation in Europe and the World Bank, and the Counter-Terrorism Committee in preventing and combating terrorism, an example of which was the Follow-up Meeting to the United Nations Counter-Terrorism Committee Special Meeting of 6 March 2003, with participants from international, regional and subregional organizations, organized by the Organization for Security and Cooperation in Europe, in close cooperation with the United Nations Office on Drugs and Crime, in Vienna on 11 and 12 March 2004, and which resulted in the Vienna Declaration of 12 March 2004;[11]

3. *Welcomes* the regional and subregional workshops held in Antalya, Turkey, and in Bamako, Khartoum, London, San José and Vilnius to familiarize national experts and criminal justice officials with the requirements of Security Council resolution 1373 (2001) and the requirements for becoming parties to and implementing the universal conventions and protocols related to terrorism and international cooperation agreements, and encourages the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, in coordination with the Counter-Terrorism Committee and subject to the availability of extrabudgetary resources, to ensure proper follow-up to those workshops, in cases where such follow-up is indicated by the participating States;

[11] S/2004/276, annex.

4. *Calls upon* Member States that have not yet done so to become parties to and to implement the universal conventions and protocols related to terrorism as soon as possible and, where appropriate, to request assistance to that end from the United Nations Office on Drugs and Crime, in coordination with the Counter-Terrorism Committee;

5. *Invites* Member States that are not yet parties to those instruments to make use of the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*[10] in their efforts to incorporate the provisions of those instruments into their national legislation, and requests the Secretariat, subject to the availability of extrabudgetary resources, to develop the *Legislative Guide* further as a tool for the provision of technical assistance aimed at the implementation of the universal conventions and protocols related to terrorism;

6. *Requests* the Secretariat to submit the guidelines for technical assistance that were formulated and reviewed during the expert group meeting held in Cape Town, South Africa, from 24 to 27 February 2004, to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice for discussion, with a view to consideration of the guidelines by the Commission on Crime Prevention and Criminal Justice at its subsequent session;

7. *Requests* the United Nations Office on Drugs and Crime to continue to work with international organizations, in particular specialized agencies and other relevant United Nations entities that undertake work that is complementary to that of the Office, in order to enhance synergies;

8. *Urges* Member States to continue working together, including on a regional and bilateral basis and in close cooperation with the United Nations, to prevent and combat acts of terrorism by strengthening international cooperation and technical assistance within the framework of Security Council resolutions 1373 (2001), 1377 (2001) and 1456 (2003), as well as the universal conventions and protocols related to terrorism and Council resolutions 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1390 (2002) of 16 January 2002, 1455 (2003) of 17 January 2003, 1526 (2004) of 30 January 2004 and 1535 (2004) and other relevant United Nations resolutions, and in accordance with the Charter of the United Nations and international law;

9. *Invites* Member States to examine ways and means to reinforce international cooperation in criminal justice matters pertaining to terrorism prevention during the Eleventh United Nations Congress on Crime Prevention and Criminal Justice with a view to enhancing global efforts in the fight against terrorism;

10. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to intensify its efforts to provide technical assistance, upon request, in preventing and combating terrorism through the implementation of the universal conventions and protocols related to terrorism, with particular emphasis on the need to coordinate its work with the Counter-Terrorism Committee and its Executive Directorate, including training judicial and prosecutorial personnel, where appropriate, in the proper implementation of the universal conventions and protocols related to terrorism;

11. *Also requests* the United Nations Office on Drugs and Crime to pursue an integrated, synergistic approach in the delivery of technical assistance to requesting States, taking into account the links that exist between terrorism and other forms of crime;

12. *Expresses its appreciation* to donor countries that have supported the Global Programme against Terrorism, through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund or the United Nations Crime Prevention and Criminal Justice Programme network, and invites all Member States to make voluntary contributions to the Fund in order to allow the United Nations Office on Drugs and Crime to provide technical assistance to requesting Member States;

13. *Calls upon* Member States to strengthen, to the greatest extent possible, international cooperation in order to combat terrorism, including, when necessary, entering into bilateral treaties on extradition and mutual legal assistance;

14. *Recognizes* the need for the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to provide Member States, upon request, and in coordination with the Counter-Terrorism Committee, with technical assistance to strengthen international cooperation, including in international, national, regional and subregional forums, in terrorism-related criminal justice matters in the framework of the universal conventions and protocols and the relevant Security Council resolutions related to terrorism;

15. *Requests* the Secretary-General to convene, subject to the availability of extrabudgetary resources, an expert workshop, taking into account the need for adequate and equitable geographical representation and open to any Member State wishing to participate as an observer, to examine and analyse problems encountered by criminal justice practitioners in affording mutual legal assistance and granting extradition for terrorist offences, with a view to identifying proven and promising practices and possible ways of facilitating international cooperation, taking into account information that Member States may wish to provide;

16. *Also requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

Draft resolution IV

International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims

The General Assembly,

Concerned at the increase in the practice of kidnapping in various countries of the world and at the harmful effects of that crime on victims and their families, and determined to support measures to assist and protect them and to promote their recovery,

Reiterating that the kidnapping of persons under any circumstances and for any purpose constitutes a serious crime and a violation of individual freedom and undermines human rights,

Noting the transnational nature of organized crime and the tendency of organized criminal groups and terrorist groups to expand their illegal operations,

Concerned at the growing tendency of organized criminal groups and terrorist groups to resort to kidnapping, especially for the purpose of extortion, as a method of accumulating capital with a view to consolidating their criminal operations and undertaking other illegal activities, such as trafficking in firearms and drugs, money-laundering and crimes related to terrorism,

Convinced that the links between various illegal activities, including terrorism, and organized crime pose an additional threat to security and the quality of life, hindering economic and social development,

Convinced also that the United Nations Convention against Transnational Organized Crime[12] provides the legal framework necessary for international cooperation in the fight against kidnapping,

Recalling Economic and Social Council resolution 2003/28 of 22 July 2003, entitled "International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims", in which the Council requested the Secretary-General, drawing on extrabudgetary funds or voluntary contributions, to provide technical assistance to States, upon request, to enable them to strengthen their capacity to combat kidnapping, and to submit a progress report on that topic to the Commission on Crime Prevention and Criminal Justice at its thirteenth session,

1. *Vigorously condemns and rejects once again* the practice of kidnapping, under any circumstances and for any purpose, especially when it is carried out by organized criminal groups and terrorist groups;

2. *Reiterates* that organized criminal groups and terrorist groups as well as all perpetrators are responsible for any harm or death that may result from a kidnapping for which they are responsible and should be punished accordingly;

3. *Takes note with appreciation* of the report of the Secretary-General on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims[13] and of the recommendations presented therein, submitted pursuant to Economic and Social Council resolutions 2002/16 of 24 July 2002 and 2003/28;

4. *Encourages* Member States to continue to foster international cooperation, especially extradition, mutual legal assistance, collaboration between law enforcement authorities and exchange of information, with a view to preventing, combating and eradicating kidnapping;

5. *Calls upon* Member States that have not yet done so, in furtherance of the fight against kidnapping, to strengthen their measures against money-laundering and to engage in international cooperation and mutual assistance in, inter alia, the tracing, detection, freezing and confiscation of proceeds of kidnapping in order to combat organized criminal groups and terrorist groups;

6. *Urges* Member States that have not yet done so to pay special attention to the considerable psychological, social and economic damage associated with

[12] General Assembly resolution 55/25, annex I.
[13] E/CN.15/2004/7 and Add.1.

kidnapping by adopting legislative, administrative or any other measures to provide appropriate support and assistance to victims and their families;

7. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to prepare a handbook for use by competent authorities of proven and promising practices in the fight against kidnapping, including:

(a) Measures to prevent the crime of kidnapping that are directed at potential victims;

(b) Preventive measures aimed at disbanding organized criminal groups and terrorist groups;

(c) Cooperation or strategic alliances with the private sector;

(d) Response to and management of crises;

(e) Identification of the minimum elements that would help States to make adjustments to their domestic legislation with a view to having a common understanding of the crime of kidnapping, which would also help to ascertain reliable trends from a global perspective;

(f) Development of specialized measures for providing support and assistance to victims and their families;

(g) Information on national authorities responsible for preventing and combating kidnapping;

(h) Reporting procedures, rescue operations, information systems and prosecutions;

8. *Also requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to provide technical assistance to States, upon request, to enable them to strengthen their capacity to combat kidnapping, including:

(a) Training of judges, prosecutors and other law enforcement officials in mechanisms for disbanding criminal organizations and in the use of special investigative techniques for the rescue of kidnapped persons, bearing in mind the particular need to safeguard and protect the victim;

(b) Review of trends and greater understanding of the problem in order to create a basis for developing policies and strategies against kidnapping.

Draft resolution V

Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption

The General Assembly,

Deeply concerned about the impact of corruption on the political, social and economic stability and development of societies,

Bearing in mind that the prevention and combating of corruption is a common and shared responsibility of the international community, necessitating cooperation at the bilateral and multilateral levels,

Bearing in mind also that the prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, if their efforts to prevent and combat corruption are to be effective,

Reaffirming its support and commitment to the goals of the United Nations in the field of crime prevention and criminal justice, in particular the objectives set forth in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[14]

Recalling its resolution 58/4 of 31 October 2003, by which it adopted the United Nations Convention against Corruption and urged all States and competent regional economic organizations to sign and ratify it,

Noting with appreciation the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption, held in Merida, Mexico, in December 2003,

Noting also with appreciation the initiative of those States which have pledged financial contributions to the United Nations Crime Prevention and Criminal Justice Fund in order to enable developing countries and countries with economies in transition to initiate measures to implement the Convention,

1. *Welcomes* the signing of the United Nations Convention against Corruption[15] by a large number of Member States, which signifies the high level of commitment on the part of the international community to the purpose of the Convention;

2. *Urges* Member States to consider signing and ratifying the United Nations Convention against Corruption as soon as possible in order to allow its early entry into force and subsequent implementation;

3. *Encourages* Member States to make adequate voluntary contributions, where appropriate, to the United Nations Crime Prevention and Criminal Justice Fund to provide developing countries and countries with economies in transition the technical assistance they may require to implement the Convention, including assistance for the preparatory measures required for implementation, taking into account article 62 of the Convention;

4. *Requests* the Secretary-General to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the entry into force and implementation of the Convention, inter alia through the provision of assistance to developing countries and countries with economies in transition for building capacity in the areas covered by the Convention;

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[14] General Assembly resolution 55/59, annex.

[15] General Assembly resolution 58/4, annex.

5. *Also requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of the present resolution.

Draft resolution VI

Preventing, combating and punishing trafficking in human organs

The General Assembly,

Recalling its resolution 53/111 of 9 December 1998, by which it established an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea,

Recalling also its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling further its resolution 55/255 of 31 May 2001, by which it adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts, Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,

Concerned about the negative economic and social implications of the activities of organized crime and the possible expansion of such crime, such as trafficking in human organs,

Alarmed at the potential growth of exploitation by criminal groups of human needs, poverty and destitution for the purpose of trafficking in human organs, using violence, coercion and kidnapping, especially kidnapping of children, with a view to exploiting them by means of organ transplant operations,

Noting with concern that trafficking in human organs, wherever it occurs, constitutes a gross violation of the human rights, including the integrity, of its victims,

Convinced of the need to strengthen local, regional and international cooperation in effective prevention and combating of such activities wherever they occur,

Determined to prevent the provision of safe haven to those who participate in or profit from transnational organized crime and to prosecute such persons for the crimes they commit,

Deploring the commercialization of the human body,

1. *Urges* Member States, should they ascertain that such a phenomenon exists in their country, to adopt the necessary measures to prevent, combat and punish the illicit removal of and trafficking in human organs;

2. *Encourages* Member States to exchange experience in and information on preventing, combating and punishing the illicit removal of and trafficking in human organs;

3. *Requests* the Eleventh United Nations Congress on Crime Prevention and Criminal Justice to pay attention to the issue of the illicit removal of and trafficking in human organs;

4. *Requests* the Secretary-General of the United Nations, in collaboration with the States and organizations concerned and subject to the availability of extrabudgetary resources, to prepare a study on the extent of the phenomenon of trafficking in human organs for submission to the Commission on Crime Prevention and Criminal Justice at its fifteenth session.

Draft resolution VII

International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

The General Assembly,

Recalling its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling also its resolution 55/255 of 31 May 2001, by which it adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling further its resolution 58/135 of 22 December 2003 on international cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,

Reaffirming its deep concern at the impact of transnational organized crime on the political, social and economic stability and development of societies,

Reaffirming that the adoption of the Convention and the Protocols thereto is a significant development in international criminal law and that they constitute

important instruments for effective international cooperation against transnational organized crime,

1. *Takes note with appreciation* of the report of the Secretary-General on the United Nations Convention against Transnational Organized Crime and the Protocols thereto;[16]

2. *Welcomes* the entry into force of the United Nations Convention against Transnational Organized Crime, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;

3. *Commends* the United Nations Office on Drugs and Crime for its work in promoting the ratification of the Convention and the Protocols thereto, including, in particular, the preparation of legislative guides designed to facilitate the ratification and subsequent implementation of those instruments, and invites the Office to finalize the legislative guides and to disseminate them as widely as possible;

4. *Urges* all States and relevant regional economic integration organizations that have not done so to consider ratifying or acceding to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, as soon as possible;

5. *Urges* all States and relevant regional economic integration organizations to take all necessary measures to improve international cooperation in criminal matters, especially extradition and mutual legal assistance, in accordance with the Convention;

6. *Welcomes* the financial support provided by several donors to promote the entry into force and implementation of the Convention and the Protocols thereto, and encourages Member States to make sufficient voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, as well as contributions in direct support of activities and projects of the United Nations Office on Drugs and Crime, including through contributions to the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, for the provision of technical assistance to developing countries and countries with economies in transition for the implementation of those international legal instruments;

7. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and the Protocols thereto and to discharge its functions as the secretariat of the Conference of the Parties in accordance with its mandate;

8. *Requests* the United Nations Office on Drugs and Crime to continue to assist States, upon request, with capacity-building in the area of international cooperation in criminal matters, in particular extradition and mutual legal assistance;

[16] E/CN.15/2004/5.

9. *Requests* the Secretary-General to report on the implementation of the present resolution in his report on the work of the United Nations Office on Drugs and Crime to be submitted to the General Assembly at its sixtieth session.

B. Draft resolutions for adoption by the Economic and Social Council

2. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolutions:

Draft resolution I

Establishment of an intergovernmental expert group to prepare a draft model bilateral agreement on disposal of confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

The Economic and Social Council,

Recalling article 13, paragraph 2, of the United Nations Convention against Transnational Organized Crime,[17] which obliges States parties to the Convention, when requested by other States parties, to take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, of the Convention for the purpose of eventual confiscation, and recalling also article 14, paragraph 3, of the Convention, according to which States parties may give special consideration to concluding agreements on sharing with other States parties such confiscated proceeds of crime,

Recalling also article 5, paragraph 4 (b), of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[18] which provides for such measures as well,

Aware that requesting States, in pursuing property subject to confiscation located beyond their borders, and States executing requests from other States related to confiscation often incur substantial expenses in investigations, prosecutions or judicial proceedings,

Mindful that an increasing number of States have concluded agreements on sharing confiscated proceeds of crime in order to foster cooperation in matters involving confiscation, for example by defraying case-related expenses,

Determined to strengthen international cooperation in the confiscation and disposal of the proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,

[17] General Assembly resolution 55/25, annex I.

[18] United Nations, *Treaty Series*, vol. 1582, No. 27627.

Recognizing that a model bilateral agreement on sharing confiscated proceeds of crime could facilitate greater international cooperation in this matter and could contribute to the achievement of the objectives of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and that such a model agreement should not prejudice the principles set forth in the United Nations Convention against Corruption[19] or the development, at a later stage, of any appropriate mechanism to facilitate the implementation of that Convention,

1. *Requests* the Secretary-General to convene, subject to the availability of extrabudgetary resources, an open-ended intergovernmental expert group, the composition of which should reflect an equitable geographical representation and a diversity of legal systems, to prepare a draft model bilateral agreement on sharing confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime[17] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;[18]

2. *Accepts with gratitude* the offer of the Government of the United States of America to host the meeting of the open-ended intergovernmental expert group;

3. *Requests* the open-ended intergovernmental expert group, in carrying out its work, to take into account, where appropriate, existing agreements on sharing confiscated proceeds of crime and other relevant instruments developed in multilateral forums;

4. *Requests* the Secretary-General to submit the results of the meeting of the open-ended intergovernmental expert group to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Commission on Crime Prevention and Criminal Justice at its fourteenth session for their consideration.

Draft resolution II

The rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction

The Economic and Social Council,

Bearing in mind that one of the fundamental purposes of the United Nations, as enshrined in the Preamble to the Charter of the United Nations, is to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained,

Recalling the ministerial-level discussion of the Security Council held in September 2003, during which the Council invited all Member States to contribute to enhancing the role of the United Nations in establishing justice and the rule of law in post-conflict societies,

[19] General Assembly resolution 58/4, annex.

Fully aware that the international community is confronted with the problem of conflict and war in certain parts of the world, especially in Africa, Asia and Latin America and the Caribbean,

Concerned about the activities of organized criminal groups engaged in trafficking in human beings, drug trafficking and money-laundering at the national and international levels, and in particular about the destabilizing impact of those activities on national security and peacekeeping and reconstruction efforts,

Recalling the United Nations Millennium Declaration, in which heads of State and Government expressed their resolve to strengthen respect for the rule of law in international as in national affairs, and stated that they would spare no effort to strengthen respect for all internationally recognized human rights and fundamental freedoms, including the right to development, and would support the consolidation of democracy in Africa and assist Africans in their struggle for lasting peace, poverty eradication and sustainable development, thereby bringing Africa into the mainstream of the world economy,[20]

Bearing in mind that, in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, Member States emphasized that it was the responsibility of each State to establish and maintain a fair, responsible, ethical and efficient criminal justice system and that effective action for crime prevention and criminal justice required the involvement, as partners and actors, of Governments, national, regional, interregional and international institutions, intergovernmental and non-governmental organizations and various segments of civil society,[21]

Recalling the plans of action for the implementation of the Vienna Declaration on Crime and Justice, in particular the actions against transnational organized crime, corruption, money-laundering, terrorism and high-technology and computer-related crime and the actions on crime prevention, witnesses and victims of crime, prison overcrowding and alternatives to incarceration, juvenile justice, special needs of women in the criminal justice system, standards and norms and restorative justice,[22]

Recalling also the Basic Principles on the Independence of the Judiciary,[23]

Stressing that the participants in the Symposium on the Role of Judges in the Promotion and Protection of Human Rights,[24] held in Vienna on 24 November 2003, called upon States to ensure that the rule of law and the independence of the judicial system and its functioning were to be preserved, to the extent possible, in conflict situations and that judges and their staff were to be protected from unlawful pressure, which might hinder them from exercising their functions,

Noting the thematic discussions on the "Rule of law and development: the contribution of operational activities in crime prevention and criminal justice" held

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[20] General Assembly resolution 55/2, paras. 9, 24 and 27.

[21] General Assembly resolution 55/59, annex, paras. 3 and 13.

[22] General Assembly resolution 56/261, annex, sects. I, II and VI-XV.

[23] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

[24] E/CN.4/2004/G/26, annex.

at the thirteenth session of the Commission on Crime Prevention and Criminal Justice,

Recalling Commission on Human Rights resolution 2004/43, entitled "Human rights in the administration of justice, in particular juvenile justice", in which the Commission encouraged all relevant parts of the United Nations system, as well as relevant regional and international intergovernmental and non-governmental organizations, including professional associations, to continue to develop and coordinate their activities in promoting human rights in the administration of justice, in particular juvenile justice, addressing as a matter of priority the needs of judges,

Recalling also the draft resolution entitled "Drug control and related crime prevention assistance for countries emerging from conflict",[25] recommended by the Commission on Narcotic Drugs for adoption by the Economic and Social Council, in which the Council would urge Member States emerging from conflict to give adequate priority to addressing the drug problem and related crime in their post-conflict reconstruction efforts,

Noting with satisfaction the steady progress being made towards restoring peace in a number of conflict zones throughout the world, especially in Africa, Asia and Latin America and the Caribbean,

Noting with appreciation the progress made by the United Nations Office on Drugs and Crime in the implementation of the criminal justice reform programme in Afghanistan, aimed at restoring the rule of law in that post-conflict society,

Recognizing the importance of the rule of law in post-conflict reconstruction and the consolidation of peace,

Noting the leading role of the Department of Peacekeeping Operations of the Secretariat, among other entities, in providing assistance to countries in post-conflict situations,

1. *Requests* the United Nations Office on Drugs and Crime, in coordination with the Department of Peacekeeping Operations of the Secretariat and other relevant entities charged with providing assistance to countries in post-conflict situations, to consider specific practical strategies to assist in promoting the rule of law, especially in countries emerging from conflict, paying particular attention to the most affected countries in Africa and taking an integrated approach to crime prevention and criminal justice reform, with particular emphasis on protecting vulnerable groups, subject to the availability of extrabudgetary resources;

2. *Encourages* the United Nations Office on Drugs and Crime to continue to provide technical assistance and advisory services to Member States upon request in support of criminal justice reform and to incorporate elements concerning the rule of law into such assistance, wherever possible, including in the framework of peacekeeping and post-conflict reconstruction, in coordination with the Department of Peacekeeping Operations and other relevant entities charged with providing assistance to countries in post-conflict situations, drawing on United Nations standards and norms in crime prevention and criminal justice and the United

[25] *Official Records of the Economic and Social Council, 2004, Supplement No. 8* (E/2004/28), chap. I, sect. II, draft resolution I.

Nations Convention against Transnational Organized Crime[26] and the Protocols thereto[27] and the United Nations Convention against Corruption; [28]

3. *Invites* the United Nations Office on Drugs and Crime to develop assessment tools for criminal justice reform, including in the framework of peacekeeping and post-conflict reconstruction;

4. *Urges* Member States providing development assistance to countries emerging from conflict to increase, where relevant, their bilateral assistance in crime prevention and criminal justice to those countries;

5. *Invites* the global and regional intergovernmental financial and development institutions, including the World Bank and the International Monetary Fund, to strengthen collaboration with the Department of Peacekeeping Operations, the United Nations Office on Drugs and Crime and other providers of technical assistance in the area of the rule of law and to provide adequate funding for projects in the justice sector;

6. *Invites* the institutes of the United Nations Crime Prevention and Criminal Justice Programme network to include in their work programmes the question of the rule of law with a view to contributing to a better understanding of the links between the rule of law and development and to develop appropriate training materials;

7. *Urges* the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005, to incorporate matters related to the rule of law into its programme of work, where relevant;

8. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on the implementation of the present resolution.

Draft resolution III

International cooperation in the prevention, investigation, prosecution and punishment of fraud, the criminal misuse and falsification of identity and related crimes

The Economic and Social Council,

Concerned at the proliferation of national and transnational cases of fraud and related economic crimes and the involvement of organized criminal groups, modern technologies and the criminal misuse and falsification of identity in such cases,

Convinced that forms of criminal misuse and falsification of identity such as the taking and criminal misuse of personal identifying information and the assumption of false identities constitute a significant and increasing problem related to fraud,

[26] General Assembly resolution 55/25, annex I.
[27] General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.
[28] General Assembly resolution 58/4, annex.

Convinced also that the criminal misuse and falsification of identity is commonly associated with other illicit activities, including money-laundering, of organized criminal groups, corruption and terrorism and that the proceeds of fraud are used to finance such activities,

Concerned that the spread of modern information and communication technologies creates a vast range of new opportunities for fraud and the criminal misuse and falsification of identity, which in turn jeopardizes the legitimate use of such technologies and represents a threat to States seeking to use such technologies for development,

Recalling chapter XI of the report of the United Nations Commission on International Trade Law on its thirty-sixth session,[29] in which the Commission considered that it would be useful to conduct a study of forms of commercial fraud and that it might be possible for the Commission on Crime Prevention and Criminal Justice to conduct such a study,

Recalling also the report on the Colloquium on International Commercial Fraud, convened by the United Nations Commission on International Trade Law and held in Vienna from 14 to 16 April 2004,[30]

1. *Condemns* the perpetration of fraud, the criminal misuse and falsification of identity and other illicit activities supported thereby;

2. *Encourages* Member States that have not already done so:

(a) To prevent, detect, investigate, prosecute and punish fraud and the criminal misuse and falsification of identity through criminal law and other measures;

(b) To take into account the need to prevent and combat fraud and the criminal misuse and falsification of identity in the development and regulation of relevant domestic commercial, financial or other institutions and systems;

(c) To facilitate the identification, tracing, freezing, seizure and confiscation of the proceeds of fraud and the criminal misuse and falsification of identity;

3. *Also encourages* Member States to cooperate with one another in efforts to prevent and combat fraud and the criminal misuse and falsification of identity, including through the United Nations Convention against Transnational Organized Crime[31] and other appropriate international instruments, and to consider the review of domestic laws on fraud and the criminal misuse and falsification of identity, where necessary and appropriate, to facilitate such cooperation;

4. *Requests* the Secretary-General to convene, in consultation with regional groups and subject to the availability of extrabudgetary resources, an intergovernmental expert group, with representation based on the regional composition of the Commission on Crime Prevention and Criminal Justice and reflecting the diversity of legal systems and open to any Member State wishing to participate as an observer, to prepare a study on fraud and the criminal misuse and falsification of identity, including:

[29] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17* (A/58/17).
[30] A/CN.9/555.
[31] General Assembly resolution 55/25, annex I.

(a) The nature and extent of fraud and the criminal misuse and falsification of identity;

(b) Domestic and transnational trends in fraud and the criminal misuse and falsification of identity;

(c) The relationship between fraud, other forms of economic crime, the criminal misuse and falsification of identity and other illicit activities, including organized crime, money-laundering and terrorism;

(d) The prevention and control of fraud and the criminal misuse and falsification of identity using commercial and criminal law, criminal justice and other means, and how these can be harmonized;

(e) The particular problems posed by fraud and the criminal misuse and falsification of identity for developing countries and countries with economies in transition;

5. *Requests* the intergovernmental expert group to use the information gained by the study for the purpose of developing useful practices, guidelines or other materials in the prevention, investigation and prosecution of fraud and the criminal misuse and falsification of identity;

6. *Also requests* the intergovernmental expert group, in carrying out its work, to take into consideration the relevant work of the United Nations Commission on International Trade Law and other bodies where relevant and appropriate, bearing in mind the need to avoid duplication;

7. *Invites* Member States to cooperate with and assist the intergovernmental expert group in its work, including by the provision of relevant and appropriate policy, legislative, research and other materials and by the provision of data about the nature and scope of fraud, the criminal misuse and falsification of identity and related problems in each country;

8. *Also invites* Member States to make voluntary contributions in order to support the work of the intergovernmental expert group and to facilitate the participation of experts from developing countries therein;

9. *Invites* the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, under the substantive item entitled "Economic and financial crimes: challenges to sustainable development" and at its Workshop on Measures to Combat Economic Crime, including Money-Laundering, to consider and discuss the issues of fraud and the criminal misuse and falsification of identity, and invites the intergovernmental expert group to take into account the results of those discussions in carrying out its work;

10. *Recommends* that the Secretary-General designate the United Nations Office on Drugs and Crime to serve as secretariat for the intergovernmental expert group, in consultation with the secretariat of the United Nations Commission on International Trade Law;

11. *Requests* the Secretary-General to submit a progress report on the work of the intergovernmental expert group and the plan of work for the study to the Commission on Crime Prevention and Criminal Justice at its fourteenth session and to submit, in a timely manner, a substantive report containing the results of the

study to the Commission at its fifteenth session or, if necessary, at its sixteenth session, for its consideration;

12. *Also requests* the Secretary-General to circulate, in advance, the report on the work of the intergovernmental expert group and the results of the study, including any useful practices, guidelines or other materials, to all Member States in all official languages, in order to seek their views on the results of the study and to reflect any views or concerns expressed in the final report to the Commission on Crime Prevention and Criminal Justice.

Draft resolution IV

Guidelines on justice for child victims and witnesses of crime

The Economic and Social Council,

Recalling General Assembly resolution 40/34 of 29 November 1985, by which the Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

Recalling also the provisions of the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989, in particular articles 3 and 39 thereof, as well as the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by the Assembly in its resolution 54/263 of 25 May 2000, in particular article 8 thereof,

Bearing in mind the relevant provisions of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, annexed to General Assembly resolution 55/59 of 4 December 2000, as well as the plans of action for the implementation of the Vienna Declaration, annexed to Assembly resolution 56/261 of 31 January 2002, in particular the plans of action on witnesses and victims of crime and juvenile justice,

Bearing in mind also the document entitled "A World Fit for Children", adopted by the General Assembly in its resolution S-27/2 of 10 May 2002,

Recalling its resolution 1996/16 of 23 July 1996, in which it requested the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice,

Mindful of the serious physical, psychological and emotional consequences of various forms of crime for the victims, especially child victims,

Recognizing that the participation of child victims and witnesses of crime in the criminal justice process is essential in order to effectively prosecute various forms of crime, including in cases of sexual exploitation of children, trafficking in children and other forms of transnational organized crime where children are often the only witnesses,

Mindful of the public interest in a fair trial based on reliable evidence and also of the susceptibility of child witnesses and victims to suggestion or coercion,

Mindful also of the fact that child victims and witnesses of crime require special protection, assistance and support appropriate to their age, level of maturity and individual special needs in order to prevent additional hardship caused to them as a result of their participation in the criminal justice process,

Emphasizing that United Nations standards and norms in crime prevention and criminal justice contribute to the body of declarations, treaties and other instruments spearheading criminal justice reform in Member States aimed at dealing effectively and humanely with any form of crime and its prevention worldwide,

Noting with appreciation the efforts of the International Bureau for Children's Rights in drawing up guidelines on justice for child victims and witnesses of crime, drafted together with a steering/drafting committee of renowned international experts in the area of child rights, criminal law and victimology,

1. *Requests* the Secretary-General to convene an intergovernmental expert group, with representation based on the regional composition of the Commission on Crime Prevention and Criminal Justice and open to any Member State wishing to participate as an observer, subject to the availability of extrabudgetary resources, in order to develop guidelines on justice in matters involving child victims and witnesses of crime;

2. *Requests* the intergovernmental expert group, within the context of its meeting, to take into consideration any relevant material, including the guidelines on justice for child victims and witnesses of crime drawn up by the International Bureau for Children's Rights, annexed to the present resolution;

3. *Invites* the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, under the substantive item entitled "Making standards work: fifty years of standard-setting in crime prevention and criminal justice", during the Workshop on Enhancing Criminal Justice Reform, including Restorative Justice, and during the ancillary meetings of non-governmental and professional organizations, to consider and discuss the issue of guidelines on justice for child victims and witnesses of crime, and invites the intergovernmental expert group to take into account the results of those discussions in carrying out its work;

4. *Requests* the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice at its fifteenth session for its consideration and action a report on the results of the meeting of the intergovernmental expert group.

Annex

Guidelines on justice for child victims and witnesses of crime drawn up by the International Bureau of Children's Rights

I. Objectives and preamble

A. Objectives

1. The present guidelines on justice for child victims and witnesses of crime set forth good practice based on the consensus of contemporary knowledge and relevant international and regional norms, standards and principles.

2. The guidelines provide a practical framework to achieve the following objectives:

(a) To guide professionals and, where appropriate, volunteers working with child victims and witnesses of crime in their day-to-day practice in the adult and juvenile justice process at the national, regional and international levels, consistent with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;[32]

(b) To assist in the review of national and domestic laws, procedures and practices so that these ensure full respect for the rights of child victims and witnesses of crime and fully implement the Convention on the Rights of the Child;[33]

(c) To assist Governments, international organizations, public agencies, non-governmental and community based organizations and other interested parties in designing and implementing legislation, policy, programmes and practices that address key issues related to child victims and witnesses of crime;

(d) To assist and support those caring for children in dealing sensitively with child victims and witnesses of crime.

3. Each jurisdiction will need to implement the present guidelines consistent with its legal, social, economic, cultural and geographical conditions. However, the jurisdiction should constantly endeavour to overcome practical difficulties in their application, as the guidelines are, in their entirety, a set of minimum acceptable principles and standards.

4. In implementing the guidelines, each jurisdiction must ensure that adequate training, selection and procedures are put in place to meet the special needs of child victims and witnesses of crime, where the nature of the victimization affects categories of children differently, such as sexual assault of girl children.

5. The guidelines cover a field in which knowledge and practice are growing and improving. They are neither intended to be exhaustive nor to preclude further development, provided it is in harmony with their underlying objectives and principles.

[32] General Assembly resolution 40/34, annex.
[33] General Assembly resolution 44/25, annex.

6. The guidelines should also be applied to processes in informal and customary systems of justice such as restorative justice and in non-criminal fields of law including, but not limited to, custody, divorce, adoption, child protection, mental health, citizenship, immigration and refugee law.

B. Considerations

7. The guidelines were developed:

(a) Cognizant that millions of children throughout the world suffer harm as a result of crime and abuse of power and that the rights of those children have not been adequately recognized and that they may suffer additional hardship when assisting in the justice process;

(b) Reaffirming that every effort must be made to prevent victimization of children, particularly through implementation of the Guidelines for the Prevention of Crime;[34]

(c) Recalling that the Convention on the Rights of the Child sets forth requirements and principles to secure effective recognition of the rights of children and that the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power sets forth principles to provide victims with the right to information, participation, protection, reparation and assistance;

(d) Stressing that all States parties to international and regional instruments have a duty to fulfil their obligations, including the implementation of the Convention on the Rights of the Child and its Protocols;

(e) Recalling international and regional initiatives that implement the principles of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, including the *Handbook on Justice for Victims* and the *Guide for Policy Makers on the Declaration of Basic Principles*, both issued by the United Nations Office for Drug Control and Crime Prevention in 1999;

(f) Recognizing that children are vulnerable and require special protection appropriate to their age, level of maturity and individual special needs;

(g) Considering that improved responses to child victims and witnesses of crime can make children and their families more willing to disclose instances of victimization and more supportive of the justice process;

(h) Recalling that justice for child victims and witnesses of crime must be assured while safeguarding the rights of accused and convicted offenders, including those that focus on children in conflict with the law, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules);[35]

(i) Bearing in mind the variety of legal systems and traditions, and noting that crime is increasingly transnational in nature and that there is a need to ensure that child victims and witnesses of crime receive equivalent protection in all countries.

[34] Economic and Social Council resolution 2002/13, annex.

[35] General Assembly resolution 40/33, annex.

C. Principles

8. In order to ensure justice for child victims and witnesses of crime, professionals and others responsible for the well-being of those children must respect the following cross-cutting principles as stated in other international instruments and in particular the Convention on the Rights of the Child,[36] as reflected in the work of the Committee on the Rights of the Child:

(a) *Dignity*. Every child is a unique and valuable human being and as such his or her individual dignity, special needs, interests and privacy should be respected and protected;

(b) *Non-discrimination*. Every child has the right to be treated fairly and equally, regardless of his or her or the parent or legal guardian's race, ethnicity, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability and birth or other status;

(c) *Best interests of the child*. Every child has the right to have his or her best interests given primary consideration. This includes the right to protection and to a chance for harmonious development:

(i) *Protection*. Every child has the right to life and survival and to be shielded from any form of hardship, abuse or neglect, including physical, psychological, mental and emotional abuse and neglect;

(ii) *Harmonious development*. Every child has the right to a chance for harmonious development and to a standard of living adequate for physical, mental, spiritual, moral and social growth. In the case of a child who has been traumatized, every step should be taken to enable the child to enjoy healthy development;

(d) *Right to participation*. Every child has the right to express his or her views, opinions and beliefs freely in all matters, in his or her own words, and to contribute especially to the decisions affecting his or her life, including those taken in any judicial processes, and to have those views taken into consideration.

D. Definitions

9. Throughout the present guidelines, the following definitions apply:

(a) "Child victims and witnesses" denotes children and adolescents, under the age of 18, who are victims of crime or witnesses to crime regardless of their role in the offence or in the prosecution of the alleged offender or groups of offenders;

(b) "Professionals" refers to persons who, within the context of their work, are in contact with child victims and witnesses of crime and for whom the present guidelines are applicable. This includes, but is not limited to, the following: child and victim advocates and support persons; child protection service practitioners; child welfare agency staff; prosecutors and defence lawyers; diplomatic and consular staff; domestic violence programme staff; judges; law enforcement officials; medical and mental health professionals; and social workers;

[36] General Assembly resolution 44/25, annex.

(c) "Justice process" encompasses detection of the crime, making of the complaint, investigation, prosecution and trial and post-trial procedures, regardless of whether the case is handled in a national, international or regional criminal justice system for adults or juveniles, or in a customary or informal system of justice;

(d) "Child-sensitive" denotes an approach that takes into account the child's individual needs and wishes.

II. Guidelines on justice for child victims and witnesses of crime

A. The right to be treated with dignity and compassion

10. Child victims and witnesses should be treated in a caring and sensitive manner throughout the justice process, taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity.

11. Every child should be treated as an individual with his or her individual needs, wishes and feelings. Professionals should not treat any child as a typical child of a given age or as a typical victim or witness of a specific crime.

12. Interference in the child's private life should be limited to the minimum needed at the same time as high standards of evidence collection are maintained in order to ensure fair and equitable outcomes of the justice process.

13. In order to avoid further hardship to the child, interviews, examinations and other forms of investigation should be conducted by trained professionals who proceed in a sensitive, respectful and thorough manner.

14. All interactions described in the present guidelines should be conducted in a child-sensitive and empathetic manner in a suitable environment that accommodates the special needs of the child. They should also take place in a language that the child uses and understands.

B. The right to be protected from discrimination

15. Child victims and witnesses should have access to a justice process that protects them from discrimination based on the child, parent or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability and birth or other status.

16. The justice process and support services available to child victims and witnesses and their families should be sensitive to the child's age, wishes, understanding, gender, sexual orientation, ethnic, cultural, religious, linguistic and social background, caste, socio-economic condition and immigration or refugee status, as well as to the special needs of the child, including health, abilities and capacities. Professionals should be trained and educated about such differences.

17. In many cases, special services and protection will need to be instituted to take account of the different nature of specific offences against children, such as sexual assault involving girl children.

18. Age should not be a barrier to a child's right to participate fully in the justice process. Every child has the right to be treated as a capable witness and his or her testimony should be presumed valid and credible at trial unless proven otherwise and as long as his or her age and maturity allow the giving of intelligible testimony, with or without communication aids and other assistance.

C. The right to be informed

19. Child victims and witnesses, their families and their legal representatives, from their first contact with the justice process and throughout that process, have the right to be promptly informed of:

(a) The availability of health, psychological, social and other relevant services as well as the means of accessing such services along with legal or other advice or representation, compensation and emergency financial support, where applicable;

(b) The procedures for the adult and juvenile criminal justice process, including the role of child victims and witnesses, the importance, timing and manner of testimony, and ways in which "questioning" will be conducted during the investigation and trial;

(c) The progress and disposition of the specific case, including the apprehension, arrest and custodial status of the accused and any pending changes to that status, the prosecutorial decision and relevant post-trial developments and the outcome of the case;

(d) The existing support mechanisms for the child when making a complaint and participating in the investigation and court proceedings;

(e) The specific places and times of hearings and other relevant events;

(f) The availability of protective measures;

(g) The existing opportunities to obtain reparation from the offender or from the State through the justice process, through alternative civil proceedings or through other processes;

(h) The existing mechanisms for review of decisions affecting child victims and witnesses;

(i) The relevant rights for child victims and witnesses pursuant to the Convention on the Rights of the Child and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

D. The right to express views and concerns and to be heard

20. Professionals should make every effort to enable child victims and witnesses to express their views and concerns related to their involvement in the justice process.

21. Professionals should:

(a) Ensure that child victims and witnesses are consulted on the matters set forth in paragraph 19 above;

(b) Ensure that child victims and witnesses are enabled to express freely and in their own manner their views and concerns regarding their involvement in the justice process, their concerns regarding safety in relation to the accused, the manner in which they prefer to provide testimony and their feelings about the conclusions of the process.

22. Professionals should give due regard to the child's views and concerns and, if they are unable to accommodate them, should explain the reasons to the child.

E. The right to effective assistance

23. Child victims and witnesses and, where appropriate, family members should have access to assistance provided by professionals who have received relevant training as set out in paragraphs 41-43 below. This includes assistance and support services such as financial, legal, counselling, health and social services, physical and psychological recovery services, and other services necessary for the child's reintegration. All such assistance should address the child's needs and enable them to participate effectively at all stages of the justice process.

24. In assisting child victims and witnesses, professionals should make every effort to coordinate support so that the child is not subjected to excessive interventions.

25. Child victims and witnesses should receive assistance from support persons, such as child victim/witness specialists, commencing at the initial report and continuing until such services are no longer required.

26. Professionals should develop and implement measures to make it easier for children to give evidence and to improve communication and understanding at the pre-trial and trial stages. These measures may include:

(a) Child victim and witness specialists to address the child's special needs;

(b) Support persons, including specialists and appropriate family members to accompany the child during testimony;

(c) Guardians *ad litem* to protect the child's legal interests.

F. The right to privacy

27. Child victims and witnesses should have their privacy protected as a matter of primary importance.

28. Any information relating to a child's involvement in the justice process should be protected. This can be achieved through maintaining confidentiality and restricting disclosure of information that may lead to identification of a child who is a victim or witness in the justice process.

29. Where appropriate, measures should be taken to exclude the public and the media from the courtroom during the child's testimony.

G. The right to be protected from hardship during the justice process

30. Professionals should take measures to prevent hardship during the detection, investigation and prosecution process in order to ensure that the best interests and dignity of child victims and witnesses are respected.

31. Professionals should approach child victims and witnesses with sensitivity, so that they:

(a) Provide support for child victims and witnesses, including accompanying the child throughout his or her involvement in the justice process, when it is in his or her best interests;

(b) Provide certainty about the process, including providing child victims and witnesses with clear expectations as to what to expect in the process, with as much certainty as possible. The child's participation in hearings and trials should be planned ahead of time and every effort should be made to ensure continuity in the relationships between children and the professionals in contact with them throughout the process;

(c) Ensure speedy trials, unless delays are in the child's best interest. Investigation of crimes involving child victims and witnesses should also be expedited and there should be procedures, laws or court rules that provide for cases involving child victims and witnesses to be expedited;

(d) Use child-sensitive procedures, including interview rooms designed for children, interdisciplinary services for child victims integrated under one roof, modified court environments that take child witnesses into consideration, recesses during a child's testimony, hearings scheduled at times of day appropriate to the age and maturity of the child, an on-call system to ensure the child goes to court only when necessary and other appropriate measures to facilitate the child's testimony.

32. Professionals should also implement measures:

(a) To limit the number of interviews. Special procedures for collection of evidence from child victims and witnesses should be implemented in order to reduce the number of interviews, statements, hearings and, specifically, unnecessary contact with the justice process, such as through use of pre-recorded videos;

(b) To avoid unnecessary contacts with the alleged perpetrator, his or her defence team and other persons not directly related to the justice process. Professionals should ensure that child victims and witnesses are protected, if compatible with the legal system and with due respect for the rights of the defence, from being cross-examined by the alleged perpetrator. Wherever possible, and as

necessary, child victims and witnesses should be interviewed, and examined in court, out of sight of the alleged perpetrator, and separate courthouse waiting rooms and private interview areas should be provided;

(c) To use testimonial aids to facilitate the child's testimony. Judges should give serious consideration to permitting the use of testimonial aids to facilitate the child's testimony and to reduce potential for intimidation of the child, as well as exercise supervision and take appropriate measures to ensure that child victims and witnesses are questioned in a child-sensitive manner.

H. The right to safety

33. Where the safety of a child victim or witness may be at risk, appropriate measures should be taken to require the reporting of those safety risks to appropriate authorities and to protect the child from such risk before, during and after the justice process.

34. Child-focused facility staff, professionals and other individuals who come into contact with children should be required to notify appropriate authorities if they suspect that a child victim or witness has been harmed, is being harmed or is likely to be harmed.

35. Professionals should be trained in recognizing and preventing intimidation, threats and harm to child victims and witnesses. Where child victims and witnesses may be the subject of intimidation, threats or harm, appropriate conditions should be put in place to ensure the safety of the child. Such safeguards could include:

(a) Avoiding direct contact between child victims and witnesses and the alleged perpetrators at any point in the justice process;

(b) Using court-ordered restraining orders supported by a registry system;

(c) Ordering pre-trial detention of the accused and setting special "no contact" bail conditions;

(d) Placing the accused under house arrest;

(e) Wherever possible, giving child victims and witnesses protection by the police or other relevant agencies and safeguarding their whereabouts from disclosure.

I. The right to reparation

36. Child victims and witnesses should, wherever possible, receive reparation in order to achieve full redress, reintegration and recovery. Procedures for obtaining and enforcing reparation should be readily accessible and child-sensitive.

37. Provided the proceedings are child-sensitive and respect the present guidelines, combined criminal and reparations proceedings should be encouraged, together with informal and community justice procedures such as restorative justice.

38. Reparation may include restitution from the offender ordered in the criminal court, aid from victim compensation programmes administered by the State and

damages ordered to be paid in civil proceedings. Where possible, costs of social and educational reintegration, medical treatment, mental health care and legal services should be addressed. Procedures should be instituted to ensure automatic enforcement of reparation orders and payment of reparation before fines.

J. The right to special preventive measures

39. In addition to preventive measures that should be in place for all children, special strategies are required for child victims and witnesses who are particularly vulnerable to repeat victimization or offending.

40. Professionals should develop and implement comprehensive and specially tailored strategies and interventions in cases where there are risks that child victims may be victimized further. These strategies and interventions should take into account the nature of the victimization, including victimization related to abuse in the home, sexual exploitation, abuse in institutional settings and trafficking. The strategies may include those based on government, neighbourhood and citizen initiatives.

III. Implementation

A. Professionals should be trained and educated in the present guidelines in order to deal effectively and sensitively with child victims and witnesses

41. Adequate training, education and information should be made available to front-line professionals, criminal and juvenile justice officials, justice system practitioners and other professionals working with child victims and witnesses with a view to improving and sustaining specialized methods, approaches and attitudes.

42. Professionals should be selected and trained to meet the needs of child victims and witnesses, including in specialized units and services.

43. This training should include:

(a) Relevant human rights norms, standards and principles, including the rights of the child;

(b) Principles and ethical duties of their office;

(c) Signs and symptoms that point to evidence of crimes against children;

(d) Crisis assessment skills and techniques, especially for making referrals, with an emphasis placed on the need for confidentiality;

(e) Impact, consequences and trauma of crimes against children;

(f) Special measures and techniques to assist child victims and witnesses in the justice process;

(g) Cross-cultural and age-related linguistic, religious, social and gender issues;

(h) Appropriate adult-child communication skills;

(i) Interviewing and assessment techniques that minimize any trauma to the child while maximizing the quality of information received from the child;

(j) Skills to deal with child victims and witnesses in a sympathetic, understanding, constructive and reassuring manner;

(k) Methods to protect and present evidence and to question child witnesses;

(l) Roles of, and methods used by, professionals working with child victims and witnesses.

B. Professionals should cooperate in the implementation of the present guidelines so that child victims and witnesses are dealt with efficiently and effectively

44. Professionals should make every effort to adopt an interdisciplinary approach in aiding children by familiarizing themselves with the wide array of available services, such as victim support, advocacy, economic assistance, counselling, health, legal and social services. This approach may include protocols for the different stages of the justice process to encourage cooperation among entities that provide services to child victims and witnesses, as well as other forms of multidisciplinary work that includes police, prosecutor, medical, social services and psychological personnel working in the same location.

45. International cooperation should be enhanced between States and all sectors of society, both at the national and international levels, including mutual assistance for the purpose of facilitating collection and exchange of information and the detection, investigation and prosecution of transnational crimes involving child victims and witnesses.

C. The implementation of the guidelines should be monitored

46. Professionals should utilize the present guidelines as a basis for developing laws and written policies, standards and protocols aimed at assisting child victims and witnesses involved in the justice process.

47. Professionals should periodically review and evaluate their role, together with other agencies in the justice process, in ensuring the protection of the rights of the child and the effective implementation of the present guidelines.

Draft resolution V

United Nations standards and norms in crime prevention and criminal justice

The Economic and Social Council,

Recalling the United Nations Millennium Declaration, contained in General Assembly resolution 55/2 of 8 September 2000, in which the Assembly resolved to

strengthen respect for the rule of law in international as in national affairs and to make the United Nations more effective in maintaining peace and security by giving it the resources and tools it needed for conflict prevention, peaceful resolution of disputes, peacekeeping, post-conflict peace-building and reconstruction,

Mindful of the report of 21 August 2000 of the Panel on United Nations Peace Operations[37] and the discussions on justice and the rule of law held by the Security Council,

Noting the leading role of the Department of Peacekeeping Operations of the Secretariat, among other entities, in providing assistance to countries in post-conflict situations,

Recognizing the critical importance of incorporating crime prevention and criminal justice components into post-conflict reconstruction, poverty alleviation and socio-economic development programmes in order to ensure economic progress and good governance,

Mindful of the importance for Member States and intergovernmental and non-governmental organizations to use and apply United Nations standards and norms in crime prevention and criminal justice as important international principles in developing an efficient and fair criminal justice system, in particular in circumstances where the basic tenets of the rule of law are ineffective or absent or in post-conflict reconstruction,

Recalling its resolution 1993/34 of 27 July 1993, in particular section III, paragraph 7 (c) thereof, in which it requested the Secretary-General to commence without delay a process of information-gathering to be undertaken by means of surveys, such as reporting systems, and contributions from other sources,

Recalling also its resolution 2002/15 of 24 July 2002, in which it reaffirmed the importance of United Nations standards and norms in crime prevention and criminal justice, including in the framework of peacekeeping and post-conflict reconstruction,

Recalling further its resolution 2003/30 of 22 July 2003, in which it decided to group United Nations standards and norms in crime prevention and criminal justice into four categories for the purpose of targeted collection of information, in order to better identify the specific needs of Member States and to provide an analytical framework with a view to improving technical cooperation,

Reaffirming the important role of intergovernmental and non-governmental organizations in contributing to the effective use and application of United Nations standards and norms in crime prevention and criminal justice,

Desirous of reforming and streamlining the current process of information-gathering with regard to the application of United Nations standards and norms in crime prevention and criminal justice, in order to make it more efficient and cost-effective,

Wishing to streamline the provision of technical assistance in the use and application of United Nations standards and norms in crime prevention and criminal justice,

[37] A/55/305-S/2000/809.

1. *Takes note* of the report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice; [38]

2. *Also takes note* of the report of the Intergovernmental Expert Group Meeting on United Nations Standards and Norms in Crime Prevention and Criminal Justice; [39]

3. *Notes* the work undertaken by the Intergovernmental Expert Group Meeting on United Nations Standards and Norms in Crime Prevention and Criminal Justice, held in Vienna from 23 to 25 March 2004;

4. *Expresses its gratitude* to the Government of Canada for its financial support in the organization of the Intergovernmental Expert Group Meeting and to the European Institute for Crime Prevention and Control, affiliated with the United Nations, for assisting in the preparation of the information-gathering instruments for the first category of United Nations standards and norms in crime prevention and criminal justice;

5. *Takes note* of the instruments for gathering information on United Nations standards and norms related primarily to persons in custody, non-custodial sanctions and juvenile and restorative justice, as revised by the Intergovernmental Expert Group Meeting;

6. *Requests* the Secretary-General to forward the information-gathering instruments referred to in paragraph 5 above to Member States, intergovernmental and non-governmental organizations and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other United Nations entities for their comments;

7. *Also requests* the Secretary-General to review the information-gathering instruments referred to in paragraph 5 above on the basis of the comments received and, following that review, to present the revised instruments to an intersessional meeting of the Commission on Crime Prevention and Criminal Justice for approval;

8. *Invites* Member States to reply to the information-gathering instruments and to indicate their needs for technical assistance in the areas covered by the standards and norms referred to in paragraph 5 above;

9. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on the use and application of the United Nations standards and norms referred to in paragraph 5 above, in particular as regards:

(a) The difficulties encountered in the application of the United Nations standards and norms in crime prevention and criminal justice;

(b) Ways in which technical assistance can be provided to overcome those difficulties;

(c) Useful practices in addressing persisting and emerging challenges in crime prevention and criminal justice;

[38] E/CN.15/2004/9.
[39] E/CN.15/2004/9/Add.1.

10. *Invites* Member States to strengthen the human and financial resources available to the United Nations Office on Drugs and Crime in order to enable the Office to better assist States in conducting seminars, workshops, training programmes and other activities aimed at promoting the use and application of the United Nations standards and norms in crime prevention and criminal justice;

11. *Requests* the Secretary-General to assist Member States, upon request, subject to the availability of extrabudgetary resources, in the use and application of United Nations standards and norms in crime prevention and criminal justice through the development and implementation of technical assistance projects aimed at criminal justice reform;

12. *Requests* the United Nations Office on Drugs and Crime to continue to work with the Department of Peacekeeping Operations of the Secretariat and other relevant entities responsible for providing assistance to countries in post-conflict situations and, subject to the availability of extrabudgetary resources, to strengthen its capacity to provide technical assistance and advisory services to post-conflict reconstruction efforts by utilizing the instruments for gathering information on United Nations standards and norms in crime prevention and criminal justice to obtain data that will assist in integrating a crime prevention and criminal justice component into those activities;

13. *Requests* the Secretary-General to keep the development of legal, institutional and practical arrangements for international cooperation under review, through appropriate mechanisms such as, subject to the availability of extrabudgetary resources, the revision of the manuals on extradition and mutual legal assistance and preparation of model laws, in order to make international cooperation and technical assistance more effective;

14. *Invites* the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005, under the agenda item "Making standards work: fifty years of standard-setting in crime prevention and criminal justice", to address the issues raised in the present resolution with a view to consolidating and making more effective the action of United Nations and other intergovernmental and non-governmental organizations in this field;

15. *Requests* the Secretary-General to convene a meeting of intergovernmental experts, with representation based on the regional composition of the Commission on Crime Prevention and Criminal Justice and open to observers, subject to the availability of extrabudgetary resources, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to design information-gathering instruments on the following categories of United Nations standards and norms:

(a) Standards and norms related to legal, institutional and practical arrangements for international cooperation, wherever feasible;

(b) Standards and norms related primarily to crime prevention and victim issues;

16. *Also requests* the Secretary-General to forward the information-gathering instruments referred to in paragraph 15 above to Member States, intergovernmental and non-governmental organizations and the institutes of the United Nations Crime

Prevention and Criminal Justice Programme network and other United Nations entities for their comments;

17. *Further requests* the Secretary-General to review the information-gathering instruments referred to in paragraph 15 above, on the basis of the comments received, and to present those instruments, together with his report on progress made in their preparation, to the Commission on Crime Prevention and Criminal Justice at its sixteenth session.

Draft resolution VI

Strengthening international cooperation and technical assistance in combating money-laundering

The Economic and Social Council,

Bearing in mind the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[40] the International Convention for the Suppression of the Financing of Terrorism,[41] the United Nations Convention against Transnational Organized Crime[42] and the United Nations Convention against Corruption,[43]

Taking into account the activities of the Financial Action Task Force on Money Laundering, in particular its Forty Recommendations and eight Special Recommendations on Terrorist Financing, and those of similar regional bodies, such as the Egmont Group of Financial Intelligence Units,

Considering that multilateral action against the contemporary global phenomenon of transnational organized crime and its unlawful activities, including in particular trafficking in drugs, arms and human beings, money-laundering, corruption and the financing of terrorism, is important and involves shared responsibility and coordinated action by States in order to obtain greater coherence in conformity with relevant multilateral instruments,

Recognizing that the laundering of the proceeds of crime has spread internationally and in that way has become a worldwide threat to the stability and security of financial and commercial systems, including governmental structures, and that finding a solution to the problems stemming from organized crime and the proceeds of crime requires joint measures on the part of the international community,

Stressing the need for sufficient harmonization of the legislation of States as to allow for a satisfactory level of coordination of their efforts for the prevention, control, investigation and suppression of money-laundering, including money-laundering related to the financing of terrorism and other criminal activities,

Recognizing that effective action against money-laundering requires strengthened international cooperation and the use of systems that facilitate

[40] United Nations, *Treaty Series*, vol. 1582, No. 27627.
[41] General Assembly resolution 54/107, annex.
[42] General Assembly resolution 55/25, annex I.
[43] General Assembly resolution 58/4, annex.

collaboration and the exchange of information among the competent authorities in the States concerned,

Recognizing also the strategic need for States to possess an infrastructure suited to the conduct of financial analyses and investigations for a coordinated fight against money-laundering and the financing of transnational organized crime and of terrorism, using national, regional and international strategies,

Recognizing further the work carried out by the United Nations Office on Drugs and Crime, especially the Global Programme against Money-Laundering, as a centre for coordination and provision of technical assistance in that regard,

Reiterating the importance of establishing national plans or strategies for combating the laundering of the proceeds of crime,

1. *Urges* Member States that have not yet done so to strengthen their capacity to prevent, control, investigate and suppress serious crimes related to money-laundering, including money-laundering related to the financing of terrorism and, in general, any criminal action connected with transnational organized crime;

2. *Also urges* Member States that have not yet done so to establish financial intelligence units or to strengthen those already in existence and to provide them with the administrative, legal and technical resources needed to make progress in their work, with a view to enhancing their capacity to prevent, detect and control money-laundering, including money-laundering related to the financing of terrorism;

3. *Recommends* to Member States that they hold consultations with the United Nations Office on Drugs and Crime and other relevant bodies when drafting legislation against money-laundering in order to ensure that it is in conformity with applicable international instruments and relevant standards;

4. *Requests* the United Nations Office on Drugs and Crime to continue its work against money-laundering, subject to the availability of extrabudgetary resources and in cooperation with relevant regional and international organizations participating in activities designed to give effect to applicable international instruments and relevant standards for combating money-laundering, through the provision to Member States, upon request, of training, advisory assistance and long-term technical assistance, bearing in mind, inter alia, the Forty Recommendations and eight Special Recommendations on Terrorist Financing of the Financial Action Task Force on Money Laundering and the work of similar regional bodies;

5. *Encourages* Member States and the relevant international organizations to contribute to the mobilization of resources in order to strengthen the capacity of the United Nations Office on Drugs and Crime to provide technical assistance.

Draft resolution VII

Second World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice

The Economic and Social Council,

Recalling its resolutions on the use and application of United Nations standards and norms in crime prevention and criminal justice, especially in relation to the Guidelines on the Role of Prosecutors,[44]

Stressing the important role that law enforcement and criminal justice professionals, in particular prosecutors, should play in the implementation of the United Nations Convention against Transnational Organized Crime[45] and the Protocols thereto,[46] the United Nations Convention against Corruption[47] and the twelve international legal instruments against terrorism,

Emphasizing the significance of promoting international cooperation in criminal matters, to which prosecutors can make a major contribution,

Aware of the outcome of the first World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice, held in Guatemala from 2 to 5 February 2004, and the adoption of its declaration, which contains important recommendations for future action,

1. *Welcomes* the initiative of Qatar to act as host to the second World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice, to be held in Doha in November 2005;

2. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources for that purpose, to assist the Government of Qatar in the preparation and substantive servicing of the Summit;

3. *Invites* the Summit to ensure that its programme is targeted to further strengthening international cooperation in criminal matters, taking into account the crucial role of prosecutors in enhancing law enforcement cooperation under the rule of law;

4. *Calls upon* the Summit to ensure that its conclusions and recommendations make a substantive contribution to the work of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime,[45] as well as to advance the ratification process of the United Nations Convention against Corruption[47] and the universal instruments against terrorism;

5. *Requests* the Secretary-General to bring the conclusions and recommendations of the Summit to the attention of the Commission on Crime Prevention and Criminal Justice.

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[44] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990, report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.26, annex.

[45] General Assembly resolution 55/25, annex I.

[46] General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.

[47] General Assembly resolution 58/4, annex.

Draft resolution VIII

Prevention of urban crime

The Economic and Social Council,

Recalling its resolution 2003/26 of 22 July 2003 on the prevention of urban crime, by which it requested all relevant United Nations organizations and bodies and international financial institutions to give appropriate consideration to the inclusion of urban crime prevention and law enforcement projects in their assistance programmes,

Recalling also the Declaration on Cities and Other Human Settlements in the New Millennium, adopted by the General Assembly in its resolution S-25/2 of 9 June 2001, which reaffirmed that the Istanbul Declaration on Human Settlements[48] and the Habitat Agenda[49] would remain the basic framework for sustainable human settlement development in the years to come,

Concerned about the seriousness of violent crimes in cities all over the world, which generates a fear of crime and has an impact on sustainable economic development, the quality of life and human rights,

Recalling that it had requested the United Nations Office on Drugs and Crime and the United Nations Human Settlements Programme to prepare proposals for the provision of technical assistance in the area of crime prevention in accordance with the Guidelines for the Prevention of Crime,[50] including through capacity-building and training,

Recalling also that the United Nations Human Settlements Programme and the United Nations Office on Drugs and Crime have explored areas of mutual interest in order to collaborate in the betterment of good urban governance with a view to achieving the goals and targets of the United Nations Millennium Declaration,[51] including linking urban safety and urban governance, developing a conceptual understanding and tools in relation to the role of local authorities in crime prevention, examining local manifestations of transnational organized crime and developing new forms of justice, policing and policies targeting groups at risk, in particular children, youth and women,

Taking note of the memorandum of understanding between the United Nations Office on Drugs and Crime and the United Nations Human Settlements Programme with the aim of establishing a framework for collaboration, and noting that bilateral consultations have taken place and a programme of work has been developed,

Noting the progress made by Member States to establish effective policies and programmes in urban crime prevention, and encouraging increased sharing of experience,

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[48] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution I, annex I.

[49] Ibid., annex II.

[50] Economic and Social Council resolution 2002/13, annex.

[51] General Assembly resolution 55/2.

1. *Welcomes* the initiative of the United Nations Human Settlements Programme to collaborate with the United Nations Office on Drugs and Crime on technical assistance in relation to crime prevention, including the links between local and transnational organized crime, through operational projects, joint workshops and the compilation of useful practices and guidelines;

2. *Welcomes also* the fact that due attention will be given to the issue of urban crime at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice in the Workshop on Strategies and Best Practices for Crime Prevention, in particular in relation to Urban Crime and Youth at Risk;

3. *Takes note* of the Safer Cities Programme of the United Nations Human Settlements Programme, and encourages municipalities to join the related network;

4. *Welcomes* the initiative by the United Nations Office on Drugs and Crime to establish, for developing countries, a database of good and promising practices in the area of urban crime prevention, in coordination with the United Nations Human Settlements Programme and the relevant institutes of the United Nations Crime Prevention and Criminal Justice Programme network;

5. *Encourages* the United Nations Office on Drugs and Crime to develop its knowledge and tools pertaining to the role of local authorities in the prevention of crime through the development of specific measures targeting groups at risk, in particular children and youth;

6. *Invites* Member States to make or increase voluntary contributions, as appropriate, to the United Nations Crime Prevention and Criminal Justice Fund, as well as to make or increase contributions in direct support of activities and projects, including through contributions to the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, in order to strengthen further the capacity of the United Nations Office on Drugs and Crime to provide technical assistance;

7. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to provide technical assistance to States, upon request, in collaboration with other relevant entities, in the area of urban crime prevention;

8. *Calls once again* on all relevant United Nations organizations and bodies and international financial institutions to give appropriate consideration to the inclusion of urban crime prevention and law enforcement projects in their programmes of assistance.

Draft resolution IX

Implementation of technical assistance projects in Africa by the United Nations Office on Drugs and Crime

The Economic and Social Council,

Recalling the United Nations Millennium Declaration, in which heads of State and Government pledged to support the consolidation of democracy in Africa and to assist Africans in their struggle for lasting peace, poverty eradication and

sustainable development, thereby bringing Africa into the mainstream of the world economy,[52]

Concerned at the fact that Africa has in recent years become a significant zone of transit, trafficking and abuse of drugs and trafficking in firearms and human beings, and bearing in mind that a number of African countries are facing post-conflict instability,

Welcoming the report of the Executive Director of the United Nations Office on Drugs and Crime, entitled "Development, security and justice for all",[53] in which it was underlined that drug abuse and trafficking, organized crime, corruption, terrorism and the spread of HIV/AIDS had all impeded sustainable development in Africa,

Mindful of the difficulties encountered by the United Nations Office on Drugs and Crime in the implementation of its projects in Africa,

1. *Reaffirms* that recent developments in Africa call for particular attention, especially in the fight against drugs and crime;

2. *Expresses its appreciation* to donor countries that have supported projects related to drug and crime issues on the African continent through their voluntary contributions to the United Nations Office on Drugs and Crime and invites them to continue their efforts, and invites other potential donor countries to provide similar support;

3. *Welcomes* the efforts of the United Nations Office on Drugs and Crime to improve the implementation of its projects in Africa, both at headquarters and in the field, and encourages the Office to continue those efforts;

4. *Requests* the United Nations Office on Drugs and Crime to produce a concept paper to analyse the current situation with respect to major drug and crime issues affecting the African continent and to propose policy directives, strategies and priority focus to gain support for assistance to Africa;

5. *Also requests* the United Nations Office on Drugs and Crime, in coordination with the African Union and interested Member States and subject to the availability of extrabudgetary resources, to promote an exchange of views, based on the results of the concept paper, by organizing an appropriate special event among interested Member States, relevant agencies and institutes providing technical assistance to Africa as well as those promoting South-South cooperation, in order:

(a) To discuss ways of reducing impediments to economic growth and sustainable development caused by widespread criminality, such as drug trafficking, organized crime and corruption;

(b) To ensure that appropriate responses to drug and crime issues are incorporated as core elements within bilateral and multilateral development assistance policies in the context of the New Partnership for Africa's Development and other relevant initiatives;

[52] General Assembly resolution 55/2, para. 27.
[53] E/CN.7/2004/9-E/CN.15/2004/2.

(c) To explore ways of maximizing existing resources, including official development assistance, that could lead to improvements in the tackling of drugs and crime issues and to the strengthening of criminal justice institutions;

6. *Requests* Member States in the African region where projects are being implemented to mobilize national stakeholders and to make every effort to facilitate the implementation of such projects;

7. *Invites* Member States to promote synergies between technical assistance provided by the United Nations Office on Drugs and Crime and bilateral and regional cooperation activities in the African region, in particular in the context of the New Partnership for Africa's Development;

8. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of the present resolution.

Draft resolution X

Strengthening the technical cooperation capacity of the Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime

The Economic and Social Council,

Recalling the United Nations Millennium Declaration, in which heads of State and Government resolved to take concerted action against international terrorism and to accede as soon as possible to all the relevant international conventions, as well as to intensify efforts to fight transnational crime in all its dimensions, including trafficking as well as smuggling of migrants and money-laundering,[54]

Reaffirming the values and principles enshrined in the United Nations Millennium Declaration, thereby emphasizing the importance of international cooperation and coordination among Member States in the fight against crime, in order to achieve sustainable development, improved quality of life, democracy and human rights,

Recalling the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[55] adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and endorsed by the General Assembly in its resolution 55/59 of 4 December 2000, as well as the plans of action for its implementation,[56]

Recalling also General Assembly resolution 58/140 of 22 December 2003, on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity,

[54] General Assembly resolution 55/2, para. 9.
[55] General Assembly resolution 55/59, annex.
[56] General Assembly resolution 56/261, annex.

Recalling further its resolution 2003/25 of 23 July 2003, on international cooperation, technical assistance and advisory services in crime prevention and criminal justice,

Welcoming the entry into force of the United Nations Convention against Transnational Organized Crime,[57] as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime[58] and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, supplementing the United Nations Convention against Transnational Organized Crime,[59]

Recognizing the importance of the entry into force of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[60]

Welcoming the adoption and opening for signature of the United Nations Convention against Corruption,[61]

Recognizing that these important new instruments of international cooperation require the United Nations Office on Drugs and Crime to respond to an increasing number of requests for technical assistance in the area of crime prevention and criminal justice reform,

Expressing its appreciation to those Member States which have provided extrabudgetary funds in 2003, thus allowing the United Nations Office on Drugs and Crime to carry out a large number of advisory services and technical assistance activities in least developed countries, developing countries, countries with economies in transition and countries in post-conflict situations,

1. *Commends* the United Nations Office on Drugs and Crime for assisting Member States by responding to an increasing number of requests for advisory services and technical assistance in the implementation of projects, including with respect to the strengthening of institutional capacity, training in drafting of legislation and of law enforcement and criminal justice personnel and awareness-raising activities, in particular for parliamentarians, as well as in the development of national policies and promotion of legislative reform;

2. *Recognizes* the expansion of the technical assistance activities of the United Nations Office on Drugs and Crime, including additional interregional advisory services, and encourages international, regional and national funding agencies, as well as international financial institutions, to support the technical cooperation activities and interregional advisory services of the United Nations Office on Drugs and Crime;

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[57] General Assembly resolution 55/25, annex I.
[58] General Assembly resolution 55/25, annex II.
[59] General Assembly resolution 55/25, annex III.
[60] General Assembly resolution 55/255, annex.
[61] General Assembly resolution 58/4, annex.

3. *Encourages* relevant entities of the United Nations system, including the United Nations Development Programme, the World Bank and the International Monetary Fund, as well as other international and regional organizations, to strengthen their cooperation with the United Nations Office on Drugs and Crime, in order to ensure that, as appropriate, technical assistance activities in the field of crime prevention and criminal justice, in particular to combat organized crime, corruption, trafficking in persons and terrorism and its financing, are properly brought into the mainstream of their respective programmes, so as to ensure that expertise available at the Office related to crime prevention and criminal justice is fully utilized and that duplication of efforts is avoided;

4. *Reiterates* the need to have adequate resources available to further operationalize the activities of the United Nations Office on Drugs and Crime, taking into account the recently adopted integrated approach to drugs and crime;

5. *Invites* Member States to cooperate at the bilateral level with the least developed and developing countries and at the multilateral level with the United Nations and other international organizations within the framework of the United Nations Convention against Transnational Organized Crime;[57]

6. *Also invites* Member States to make or increase voluntary contributions, as appropriate, to the United Nations Crime Prevention and Criminal Justice Fund, as well as contributions in direct support of activities and projects of the United Nations Office on Drugs and Crime, in order to strengthen further the capacity of the Office to provide advisory services and technical assistance;

7. *Encourages* recipient Member States that are in a position to do so to contribute to the activities of the United Nations Office on Drugs and Crime by providing the necessary infrastructure, as well as human and financial resources, for projects to be implemented in partnership with the Office;

8. *Requests* the Secretary-General to enhance further the resources available within the existing overall budgetary framework of the United Nations for operational activities and, in particular, the interregional advisory services of the United Nations Office on Drugs and Crime under section 23, Regular programme of technical cooperation,[62] of the regular budget of the United Nations;

9. *Also requests* the Secretary-General to make all possible efforts, including appeals to donors in the private sector, mobilization of resources and fund-raising, to increase extrabudgetary resources, including general-purpose funds, bearing in mind the need to safeguard the independence and international character of the United Nations Office on Drugs and Crime.

Draft resolution XI

Protection against trafficking in cultural property

The Economic and Social Council,

Emphasizing the importance for States of protecting and preserving their cultural heritage in accordance with the Convention on the Means of Prohibiting and

[62] A/58/6 (Sect. 23).

Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,[63] and other relevant instruments such as the 1995 Unidroit Convention on Stolen or Illegally Exported Cultural Objects and the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols,

Reaffirming its resolution 2003/29 of 22 July 2003, entitled "Prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property",

Recalling General Assembly resolution 58/17 of 3 December 2003, entitled "Return or restitution of cultural property to the countries of origin",

Recalling also the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which was welcomed by the General Assembly in its resolution 45/121 of 14 December 1990,

Noting with appreciation the Cairo Declaration on the Protection of Cultural Property, made at the international conference celebrating the fiftieth anniversary of the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, held in Cairo from 14 to 16 February 2004, as well as its relevant recommendations,

Alarmed by the fact that organized criminal groups are involved in trafficking in stolen cultural property and that the international trade in looted, stolen or smuggled cultural property is estimated at several billion United States dollars per year,

Stressing that the entry into force of the United Nations Convention against Transnational Organized Crime[64] is expected to create a new impetus in international cooperation to counter and curb transnational organized crime, which will in turn lead to innovative and broader approaches to dealing with the various manifestations of such crime, including trafficking in movable cultural property,

Expressing the need to enhance or to establish, as appropriate, standards for the restitution and return of movable property forming part of the cultural heritage of peoples after it has been stolen or trafficked and for its protection and preservation,

1. *Takes note with appreciation* of the report of the Secretary-General on the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property;[65]

2. *Welcomes* international, regional and national initiatives for the protection of cultural property, in particular the work of the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental

[63] United Nations, *Treaty Series*, vol. 823, No. 11806.
[64] General Assembly resolution 55/25, annex I.
[65] E/CN.15/2004/10 and Add.1.

Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation;

3. *Requests* the Secretary-General to direct the United Nations Office on Drugs and Crime, in close cooperation with the United Nations Educational, Scientific and Cultural Organization and subject to the availability of extrabudgetary resources, to convene an expert group meeting to submit relevant recommendations to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on protection against trafficking in cultural property, including ways of making more effective the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property;

4. *Encourages* Member States asserting state ownership of cultural property to consider means of issuing statements of such ownership with a view to facilitating the enforcement of property claims in other States;

5. *Urges* Member States to continue to strengthen international cooperation and mutual assistance in the prevention and prosecution of crime against movable property that forms part of the cultural heritage of peoples, as well as to ratify and implement the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property[92] and the other relevant conventions;

6. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on the implementation of the present resolution.

Draft **resolution XII**

Combating the spread of HIV/AIDS in criminal justice* pre-trial and correctional facilities

The Economic and Social Council,

Alarmed at the continuing spread of the HIV/AIDS epidemic in pre-trial and correctional facilities,

Recalling its resolution 1997/36 of 21 July 1997 on international cooperation for the improvement of prison conditions and its resolution 1999/27 of 28 July 1999 on penal reform,

Reaffirming its resolution 2002/15 of 24 July 2002 on United Nations standards and norms in crime prevention and criminal justice, in section II of which it invited Member States to undertake the necessary efforts to solve the problem of prison overcrowding,

Recalling General Assembly resolution 56/261 of 31 January 2001 on the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[66] in particular the plans of action on crime prevention, on prison overcrowding and alternatives to

* The term "pre-trial and correctional facilities" as used in the present text refers to the criminal justice aspect indicated in the title of the resolution.

[66] General Assembly resolution 55/59, annex.

incarceration, on juvenile justice and on the special needs of women in the criminal justice system,

Recalling also the objectives related to HIV/AIDS contained in the United Nations Millennium Declaration,[67]

Welcoming the Declaration of Commitment on HIV/AIDS[68] adopted by the General Assembly at its twenty-sixth special session, on HIV/AIDS, in June 2001,

Acknowledging that HIV/AIDS is primarily, but not exclusively, a public health issue governed by the World Health Organization and coordinated by the Joint United Nations Programme on HIV/AIDS, combining the efforts of the nine co-sponsoring agencies and programmes within the United Nations system, which formulate and coordinate policy responses to this global problem,

Taking into account that, within that framework, specific vulnerable groups, such as prisoners, merit particular attention and, as such, the United Nations Office on Drugs and Crime has an important role within the framework of its mandate in questions of standards and norms related to pre-trial and correctional facilities,

Recalling Commission on Narcotic Drugs resolutions 45/1 and 46/2 on strengthening strategies regarding the prevention of HIV/AIDS in the context of drug abuse, as well as its resolution 47/2 on prevention of HIV/AIDS among drug users,

Recalling also Commission on Human Rights resolution 2003/47 on the protection of human rights in the context of HIV/AIDS, in which the Commission urged Member States to ensure that their prison policies and practices respect human rights in the context of HIV/AIDS, prohibit HIV/AIDS-related discrimination and promote effective programmes for the prevention of HIV/AIDS in pre-trial and correctional facilities,

Recalling further the concerns of the Commission on Human Rights, reflected in its resolution 2004/26 on access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria,

Mindful of the fact that the physical and social conditions associated with imprisonment may facilitate the spread of HIV/AIDS in pre-trial and correctional facilities, and thus in society,

Deeply concerned at the potential role of pre-trial and correctional facilities as multipliers or "incubators" of the HIV/AIDS epidemic, as the findings of the report of the United Nations Development Programme entitled *Reversing the Epidemic: Facts and Policy Options* [69] suggest,

Underlining the importance of the Standard Minimum Rules on the Treatment of Prisoners[70] as guidelines for operating secure, safe and orderly pre-trial and

[67] General Assembly resolution 55/2.

[68] General Assembly resolution S-26/2, annex.

[69] United Nations Development Programme, *Reversing the Epidemic: Facts and Policy Options* (Bratislava, 2004).

[70] *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August–3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.

correctional facilities, providing meaningful activities for prisoners, monitoring general prison conditions, ensuring an effective complaint system and providing for basic prisoner rights, including the right to adequate health care,

1. *Recognizes* that measures are needed to address overcrowding and to curb violence in pre-trial and correctional facilities;

2. *Invites* Member States to consider, where appropriate and in accordance with national legislation, the use of alternatives to imprisonment, as well as early release for prisoners with advanced AIDS;

3. *Recognizes* that effective HIV/AIDS prevention, care and treatment strategies require behavioural changes and increased availability of and non-discriminatory access to HIV/AIDS prevention, care and treatment, as well as increased research and development;

4. *Recognizes also* that prisoners have the right to adequate health care and that access to qualified medical personnel should be ensured;

5. *Suggests* that appropriate training should be given to managers and warders of pre-trial and correctional facilities to enable them to deal better with HIV/AIDS;

6. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to work in coordination with the United Nations Joint Programme on HIV/AIDS, the World Health Organization and other relevant United Nations entities to collect information and analyse the situation of HIV/AIDS in pre-trial and correctional facilities, with a view to providing Governments with programmatic and policy guidance, within its mandate in relation to standards and norms concerning such facilities, building on lessons learned and taking into account existing guidelines and recommendations from previous and ongoing activities in various regions of the world;

7. *Encourages* the United Nations Office on Drugs and Crime, within its mandate in relation to standards and norms concerning pre-trial and correctional facilities, to offer advice and expertise to the United Nations Joint Programme on HIV/AIDS, the World Health Organization and other relevant United Nations entities in order to ensure that the particular problems of HIV/AIDS in such facilities are adequately addressed;

8. *Invites* Member States to make voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, in direct support of activities and projects of the United Nations Office on Drugs and Crime related to prevention of HIV/AIDS in pre-trial and correctional facilities;

9. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on the implementation of the present resolution.

C. Draft decisions for adoption by the Economic and Social Council

3. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft decisions:

Draft decision I

Report of the Commission on Crime Prevention and Criminal Justice on its thirteenth session and provisional agenda and documentation for its fourteenth session

The Economic and Social Council:

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its thirteenth session;[71]

(b) Decides that the prominent theme for the fourteenth session of the Commission shall be "Conclusions and recommendations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice";

(c) Approves the provisional agenda and documentation for the fourteenth session, on the understanding that intersessional meetings will be held in Vienna, at no additional cost, to finalize the items to be included in the provisional agenda and the documentation requirements for the fourteenth session, as well as a shorter duration for the fourteenth session, on an exceptional and non-precedental basis.

Provisional agenda and documentation for the fourteenth session of the Commission on Crime Prevention and Criminal Justice

A. Provisional agenda

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Work of the United Nations Office on Drugs and Crime.
4. Consideration of the conclusions and recommendations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice.
5. Follow-up to the action plans for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century.
6. International cooperation in combating transnational crime.
7. Strengthening international cooperation and technical assistance in preventing and combating terrorism.
8. Use and application of United Nations standards and norms in crime prevention and criminal justice.
9. Strategic management and programme questions: programme questions.
10. Provisional agenda for the fifteenth session of the Commission.

B. Documentation

1. Election of officers

(Legislative authority: Economic and Social Council resolution 2003/31)

[71] *Official Records of the Economic and Social Council, 2004, Supplement No. 10* (E/2004/30).

2. Adoption of the agenda and organization of work

Documentation

Provisional agenda, annotations and proposed organization of work

(Legislative authority: rules 5 and 7 of the rules of procedure of the functional commissions of the Economic and Social Council and Council resolution 1992/1 and decision 1997/232)

3. Work of the United Nations Office on Drugs and Crime

Documentation

Report of the Executive Director on the work of the United Nations Office on Drugs and Crime

(Legislative authority: General Assembly resolution 57/170 and Economic and Social Council resolutions 1992/22, 1999/23 and 2004/... [E/CN.15/2004/L.20/Rev.1])

Report of the Secretary-General on the implementation of technical assistance projects in Africa by the United Nations Office on Drugs and Crime

(Legislative authority: Economic and Social Council resolution 2004/... [E/CN.15/2004/L.16/Rev.1])

Report of the Secretary-General on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network

(Legislative authority: Economic and Social Council resolutions 1992/22, 1994/21 and 1999/23)

4. Consideration of the conclusions and recommendations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

Documentation

Report of the Secretary-General on the conclusions and recommendations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

(Legislative authority: General Assembly resolutions 56/119, 57/170, 57/171, 58/138 and 59/... [E/CN.15/2004/L.3/Rev.1])

5. Follow-up to the action plans for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

6. International cooperation in combating transnational crime

Documentation

Report of the Secretary-General on international cooperation in combating transnational crime

(Legislative authority: General Assembly resolutions 57/168, 57/169 and 59/... [E/CN.15/2004/L.20/Rev.1])

Report on the meeting of the open-ended intergovernmental expert group to prepare a draft model bilateral agreement on sharing confiscated proceeds of

crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

(Legislative authority: Economic and Social Council resolution 2004/... [E/CN.15/2004/L.2/Rev.1])

Report of the Secretary-General on strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking

(Legislative authority: General Assembly resolution 58/137)

Report of the Secretary-General on the United Nations Convention against Corruption

(Legislative authority: General Assembly resolutions 40/243, 55/61, 56/186, 56/260, 57/169 and 59/... [E/CN.15/2004/L.12/Rev.1])

Report of the Secretary-General on illicit trafficking in protected species of wild flora and fauna

(Legislative authority: Economic and Social Council resolution 2003/27)

Report of the Secretary-General on progress made by the intergovernmental expert group convened to prepare a study on fraud, the criminal misuse and falsification of identity and related crimes

(Legislative authority: Economic and Social Council resolution 2004/... [E/CN.15/2004/L.6/Rev.1])

Note by the Secretariat on the study on the functioning of extradition and mutual legal assistance through existing mechanisms, including bilateral, regional and multilateral agreements or arrangements

(Legislative authority: General Assembly resolution 58/135)

7. Strengthening international cooperation and technical assistance in preventing and combating terrorism

Documentation

Report of the Secretary-General on strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime

(Legislative authority: General Assembly resolutions 58/136 and 59/... [E/CN.15/2004/L.8/Rev.1])

8. Use and application of United Nations standards and norms in crime prevention and criminal justice

Documentation

Report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice

(Legislative authority: Economic and Social Council resolutions 1992/22 and 2003/30)

Report of the Secretary-General on action to promote effective crime prevention

(Legislative authority: Economic and Social Council resolution 2002/13)

Report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty

(Legislative authority: Economic and Social Council resolutions 1745 (LIV), 1986/10, 1989/64, 1990/51 and 1995/57)

9. Strategic management and programme questions

Programme questions

Documentation

Report of the Secretary-General on assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of conferences of States parties

(Legislative authority: General Assembly resolution 59/... [E/CN.15/2004/L.5/Rev.1])

Report on the intersessional work of the bureau of the Commission on Crime Prevention and Criminal Justice, including on its experience with regard to the adherence of Member States to the procedural requirements for the submission of draft proposals

(Legislative authority: Economic and Social Council resolution 2003/31, para. 2)

Note by the Secretary-General on the proposed programme budget for the period 2006-2007

Note by the Secretary-General on the medium-term plan for the period 2002-2005 and the proposed strategic framework for the period 2006-2009

10. Provisional agenda for the fifteenth session of the Commission

(Legislative authority: rule 9 of the rules of procedure of the functional commissions of the Economic and Social Council and Council decisions 2002/238 and 2004/... [E/CN.15/2004/L.1/Add.8/Rev.1])

Draft decision II

Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

The Economic and Social Council decides to endorse the appointment, by the Commission on Crime Prevention and Criminal Justice at its thirteenth session, of Ann-Marie Begler (Sweden) and Elizabeth G. Verville (United States of America) to

the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

Chapter II

Thematic discussion on the rule of law and development: the contribution of operational activities in crime prevention and criminal justice

4. At its 3rd and 4th meetings, on 12 May, the Commission on Crime Prevention and Criminal Justice considered agenda item 3, which read as follows:

> "Thematic discussion on the rule of law and development: the contribution of operational activities in crime prevention and criminal justice:
>
> "(a) International cooperation in criminal justice to strengthen the rule of law, including combating corruption and new types of crime in order to enhance growth and sustainable development;
>
> "(b) Strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction."

5. The Commission had before it a note by the Secretary-General on the thematic discussion on the rule of law and development (E/CN.15/2004/3).

6. The discussion was led by the following panellists: Pardeep Ahluwalia (Canadian International Development Agency), Hana Snajdrova (Czech Republic), Ramli Atmasasmita (Indonesia), Hermán Galan Castellanos (Colombia), Peter Gastrow (Institute for Security Studies) (South Africa) and Rilwanu Lukman (Nigeria, former Secretary-General of the Organization of the Petroleum Exporting Countries).

7. Statements were made by the representatives of Algeria, Austria, Brazil, Canada, Croatia, Cuba, El Salvador, India, Jamaica, the Republic of Korea and Uganda and by the observers for Argentina, Australia, Cameroon, the Libyan Arab Jamahiriya, Morocco, Oman, Sri Lanka, Sweden, the Syrian Arab Republic and Uruguay. Observers for the following institutes of the United Nations Crime Prevention and Criminal Justice Programme network and non-governmental organizations also addressed the Commission: the United Nations Interregional Crime and Justice Research Institute, the International Scientific and Professional Advisory Council and the International Association against Drug Abuse and Drug Trafficking.

8. The Commission decided to integrate the two sub-themes under the agenda item into a single interactive discussion. Participants were invited to react to the presentations made by the panellists and also to consider how the United Nations Office on Drugs and Crime might make specific contributions to strengthening the rule of law.

A. Deliberations

9. The thematic discussion was chaired by Thomas Stelzer (Austria), Vice-Chairman of the Commission, who opened the discussion by recalling that efforts were being made all over the world to enhance the rule of law. In some States, basic law and order needed to be reintroduced; other States were facing difficulties in

guaranteeing the independence of the judiciary and respect for human rights; while others still needed to deal with corruption or to put adequate legislation and enforcement mechanisms into place to deal with new types of crime. He emphasized that the interrelationship between social and economic development and a fair justice system had now been widely recognized. Development agencies, which in the past had been reluctant to finance prisons, police stations and operational costs for law enforcement, had now realized that lawlessness could destroy the best-laid development plans. He invited States to exchange information on how their technical cooperation projects assisted other States in promoting respect for the rule of law and he hoped that the discussion would lead to enhanced solidarity and commitment from States and development agencies to strengthen international cooperation.

10. The Executive Director of the United Nations Office on Drugs and Crime addressed the meeting, referring to a paper on the role of the United Nations in responding to the threats to security and development posed by organized crime, corruption and terrorism. The paper, which had been approved by the United Nations System Chief Executives Board for Coordination at its meeting held in Vienna in April 2004, was distributed to participants as a conference room paper. He stressed that peace depended on the rule of law and that crime harmed and hindered sustainable development. Organized criminal groups were the first to take advantage of lawlessness; their activities prolonged conflicts and exacerbated humanitarian crises. He invited the Commission to give guidance to the United Nations Office on Drugs and Crime on how to respond to the challenges associated with crime and development.

11. The first panellist outlined the approach taken by the Canadian International Development Agency. The Agency worked with developing countries to create strong institutions, which ensured the stable environment necessary for sustainable development. Its work was based on the priorities articulated in poverty reduction strategies prepared by developing countries. It was proactive in assisting developing countries in avoiding situations that could lead to breakdowns in society and the community, as these were often accompanied by chaos and could spiral into a failure of the State. It also helped developing countries to rebuild after conflict or on their long-term path out of poverty, by helping to create strong, equitable and just governing institutions. Crime prevention helped to create conditions where development assistance could be effective. Addressing root causes of crime, such as marginalization and victimization, was a complementary way to reduce or prevent crime and to maintain socio-political stability, so that development investment could proceed uninterrupted and, ultimately, lead to success. Reference was made to the Millennium Development Goals (A/56/326, annex) as underpinning the Agency's recipient-driven strategy and to the concept that far more had been accomplished for welfare and progress of mankind by preventing bad actions than by doing good ones.

12. The second panellist referred to the situation in countries with economies in transition, where the understanding of the rule of law needed to be restored on a new democratic basis following the political changes of 1989. All criminal justice institutions had experienced dramatic changes after the collapse of the previous regimes as countries engaged in rebuilding functioning criminal justice systems. During the transitional period, before the establishment of enhanced criminal justice

structures specializing in new types of crime, organized crime had taken advantage of the gaps in the immature criminal justice system, with the result that economic crime and corruption had become a part of everyday life. It had taken 10 years before the results of the reforms of the criminal justice system had become apparent to the people. The panellist said that the enforcement of the rule of law had changed attitudes throughout society and that positive developments had occurred as a result of cooperation with criminal justice systems in States with much longer experience in dealing with the new types of crime. In that connection, reference was made to the efficient cooperation among law enforcement authorities under the umbrella of the Global Programme against Trafficking in Human Beings of the United Nations Office on Drugs and Crime. Working relations were being established between law enforcement officers in countries of origin, transit and destination. Expertise gained by the authorities in the Czech Republic was now being made available to other States, for example the Republic of Moldova, in the framework of the Global Programme.

13. In the discussion that ensued, several speakers suggested how the work of the United Nations Office on Drugs and Crime could fit into the overall framework of international efforts to strengthen the rule of law. The apparent link between the re-establishment of the rule of law in countries with economies in transition and the appearance of new, sophisticated types of crime was discussed. Other speakers pointed to States such as Afghanistan, where there had been a substantial increase in opium production and trafficking, notwithstanding the fact that huge amounts of assistance had been received. Other speakers stressed that there was a widening chasm between developed and developing countries and noted the frequent perception that increasing crime represented the absence of hope among large segments of society in many developing countries.

14. The chairman of the thematic discussion recalled that during the Rome Conference on Justice in Afghanistan, rebuilding the legal infrastructure in Afghanistan had been considered a first step in the overall reconstruction process. In a failed State such as Afghanistan, it was not realistic to expect results in a short period of time. Pursuant to a request to provide information on the criminal justice reform programme of the United Nations Office on Drugs and Crime in Afghanistan, a representative of the Secretariat explained that the programme had been developed on the basis of an assessment of needs and took into account the priorities identified by the Afghan authorities, such as reform of the juvenile justice system, reconstruction of the penitentiary system and establishment of an anti-corruption body. The Executive Director added that the drug-related issues in Afghanistan should be seen in a broader context and that criminal justice reconstruction efforts were pivotal. He stressed the importance of a comprehensive approach, balancing repressive and preventive measures, the importance of partnership and ownership, as well as the need for guidance by the Commission to the Office on how best to use the resources available.

15. Several speakers felt that the discussions needed to consider fundamental issues, such as the causes of crime, the fact that both development itself and globalization could lead to economic crime, that neighbouring territories were being used to undermine the domestic rule of law and that criminal networks were located in other countries, beyond the control of States.

16. The third panellist stressed that transnational crime had spread to many States, making its detection more difficult and therefore making international cooperation more essential than ever. He referred to the entry into force of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) and two of its Protocols and to the adoption of the United Nations Convention against Corruption (General Assembly resolution 58/4, annex) as landmarks in the history of crime prevention and criminal justice. He further noted that, where law enforcement, administration of justice and financial systems were weak, greater opportunities existed for serious crime and related illicit activities. He stressed the importance of international judicial cooperation, such as mutual legal assistance and extradition. He also stressed the equally fundamental importance of minimum standards of professionalism among relevant public officials in criminal justice systems to ensure effective cooperation on the ground. Detailed information was provided on recent activities supported by the Association of South-East Asian Nations to combat transnational crime, corruption and terrorism. The panellist recommended that the international community should strengthen legal cooperation, capacity-building and technical cooperation among Member States, specifying that the exchange of views and experience among criminal justice personnel was a prerequisite to a successful fight against transnational crime.

17. The fourth panellist emphasized the importance of preventing urban crime and the threat caused by illegally armed groups in Colombia. Protection strategies were often sought outside the rule of law. Having lost confidence in the police, citizens were setting up their own private police or paramilitary forces, which in turn were at times becoming a threat to security and the rule of law. The panellist stressed the need to select and train police forces carefully, as well as the importance of civilian oversight over the police. He also pointed to informal conflict resolution mechanisms and gave details of his country's experience in establishing "houses of justice", which provided information, orientation and services for victims of domestic violence and sexual abuse.

18. The fifth panellist made reference to experience relating to the provision of assistance to countries in the Southern African Development Community region, most of which were least developed or developing countries and some of which were in post-conflict situations. He stressed the importance of a need-driven approach when planning operational activities to strengthen the rule of law in countries in transitional and post-conflict situations, as each society in such a situation was different and needed its own solutions. It was also imperative to ensure full partnership among all the actors involved. Referring in particular to countries in post-conflict situations, where the State was in a weak position and resources were scarce, the panellist stated that the greatest challenge was to counter the scepticism of the general population vis-à-vis the rule of law and to rebuild confidence in institutions. Criminal justice reform efforts, while aiming at sustainable results, should therefore also achieve a visible impact in the short term. For example, one successful indictment of a corrupt high-level official with strong political ties could have a strong impact on the perception of the rule of law. A key element in building confidence was proactive policing that was respectful of human rights, including through initiatives such as community policing. In that connection, the composition of the police force and judiciary should reflect all segments of society. The changes in priorities following the terrorist attacks of 11 September

2001 might have caused problems for some developing countries, as the international agenda was not tailored to national situations. The panellist urged that more technical assistance be provided to least developed and developing countries to enable them to comply with international obligations and that flexibility be allowed in terms of deadlines.

19. The last panellist noted that, while poor countries might have legislation and criminal justice systems in place, they might face difficulties in implementation owing to lack of resources. The burdens of foreign debt and trade barriers on developing countries were stressed. He reaffirmed that developing countries should also take their share of responsibility by fighting corruption. In many cases, justice reform was a question of political will. He emphasized that, in very poor countries, there was a need to develop a scale of priorities, as it was not possible to solve all the difficulties at the same time.

20. Several speakers welcomed the efforts of the United Nations Office on Drugs and Crime to include crime prevention and criminal justice in a larger socio-economic context, as called for in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 55/59, annex). The interrelation between the rule of law and development, as referred to in the United Nations Millennium Declaration (Assembly resolution 55/2), was stressed by many speakers. Speakers recognized the importance of the work on the rule of law being carried out by the Office in the context of its crime prevention and criminal justice programme and in advising on other development efforts. In that connection, the relevance of promoting criminal justice standards and norms was noted. The importance of mobilizing resources to enable the Office to carry out technical assistance activities in support of criminal justice reform was emphasized. The importance of building partnerships with other entities, including international financial institutions and non-governmental organizations, was also stressed.

21. Several speakers highlighted national, bilateral and regional efforts to strengthen the rule of law and international cooperation. Technical assistance projects carried out in the field of post-conflict reconstruction were presented. The recent entry into force of the Organized Crime Convention and two of its Protocols, as well as the adoption of the Convention against Corruption, were seen as important steps towards strengthening the rule of law internationally. Many speakers reported on the efforts of their Governments towards ratification and implementation of those instruments.

22. The fight against corruption was seen as a prerequisite to establishing the rule of law and good governance and to creating the necessary trust of the people in their institutions and representatives. The rule of law was seen to be a necessary condition for a fair, effective and efficient criminal justice system. Criminal justice could not function without efficient and fair law-making institutions, with courts and criminal justice officials selected and trained on the basis of integrity and respect for human rights standards.

23. Reference was made to the importance of lessons learned in promoting the rule of law, in particular in post-conflict reconstruction. Several speakers emphasized that considerations of justice and the rule of law should be core components of United Nations peacekeeping missions and that the United Nations Office on Drugs

and Crime should cooperate with the Department of Peacekeeping Operations of the Secretariat and other relevant United Nations entities. It was stressed that the United Nations should remain engaged through the continuum of peace operations: from conflict prevention to post-conflict reconstruction. Proper attention should also be paid to crime prevention, in particular in urban settings, so as to build trust between citizens and law enforcement personnel.

24. The chairman of the thematic discussion summarized the deliberations, concluding that there had been a common understanding that development was not sustainable without the rule of law. At the same time, it was noted that development should encompass programmes that addressed the root causes of crime. Poverty, lack of development and marginalization of communities enabled "uncivil" society to thrive. The establishment of the rule of law was a long-term effort and presumed considerable changes in society and culture. Reform of criminal justice systems, including both institution-building and capacity-building, was essential to the establishment and maintenance of the rule of law. The reforms should be comprehensive, interdisciplinary and sustainable. They should also be balanced between preventive and repressive measures. Efforts to promote the rule of law needed to include all stakeholders, including government, civil society, local communities and non-governmental organizations, in order to create a sense of ownership.

25. Informal conflict resolution mechanisms, based on the principles of restorative justice, could play an important role in the promotion of the rule of law. In societies in transitional and post-conflict situations, reform of the criminal justice system should be geared to building public confidence, in particular towards the police. Development assistance packages should be based on the unique situation of the countries requesting assistance and be in line with national priorities. Such packages should include a rule of law component, including strengthening of criminal justice institutions. An open dialogue was required with development organizations, financial institutions and other relevant bodies on how to increase the level of financial assistance to projects addressing rule of law issues, as articulated by countries in need. Technical assistance to least developed and developing countries should be increased, so that they could address priority needs and comply with international obligations.

26. In conclusion, the chairman of the thematic discussion noted that, in countries that shared borders with countries at war or in which the system of government had collapsed, criminal justice reform was often hampered by the lack of rule of law in the neighbouring countries. Often a regional approach might have a bigger impact. In that regard, consideration should be given to working with relevant regional and subregional organizations. The United Nations Office on Drugs and Crime should cooperate with the Department of Peacekeeping Operations to ensure that the rule of law was an integral part of peace-building and post-conflict reconstruction efforts. Peace dividends should be used to create fair and effective criminal justice systems and to train law enforcement personnel.

B. Workshop

27. A workshop on the "Rule of law and development: the contribution of operational activities in crime prevention and criminal justice" was organized by the institutes of the United Nations Crime Prevention and Criminal Justice Programme network. It was coordinated by the International Centre for Criminal Law Reform and Criminal Justice Policy and the United Nations Interregional Crime and Justice Research Institute. The workshop was chaired by T. P. Sreenivasan (India), Vice-Chairman of the Commission. Nine papers were presented at the workshop by the representative of Italy and by the observers for the various institutes of the Programme network, non-governmental organizations and the British Council. An expert from Ireland also presented a paper. The workshop was structured to facilitate an interactive dialogue among participants.

28. In her introductory remarks, the Executive Director of the International Centre for Criminal Law Reform and Criminal Justice Policy recalled that the topic of the workshop was related to the thematic discussion held in the plenary, but would follow a more practical approach and examine case studies and good practices. The Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime made reference to the Vienna Declaration on Crime and Justice and the relevant plans of action (General Assembly resolution 56/261, annex), as well as to the recent attention paid by the United Nations and the international community to the centrality and importance of establishing or re-establishing the rule of law in post-conflict and reconstruction situations.

29. The Director of the Irish Centre for Human Rights described the progress made in the development of model criminal and detention codes for post-conflict situations, based on the work of experts representing various legal systems and different geographical regions. An effort had been made to prepare simple codes, procedures and guidelines that could be used during the transitional phase until final legislation was approved.

30. The Executive Director of the International Association against Drug Abuse and Drug Trafficking emphasized the need for coordination and the use of best practices, in particular for prevention, stressing that post-conflict reconstruction was a difficult process that needed to address economic, drug and crime issues.

31. In his presentation, the Director of the African Institute for the Prevention of Crime and the Treatment of Offenders focused on the relationship between crime and development and identified some key factors for sustainable development in Africa, including economic growth, political modernization and protection of human rights.

32. The Chairman of the Board of the Asia Crime Prevention Foundation noted that criminal justice was not compartmentalized and should be seen as a system. An integrated approach was also the leading principle of the overseas development assistance offered by Japan to improve criminal justice and of the training of law enforcement and criminal justice personnel offered by the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders in 104 States in the world.

33. The observer for the British Council presented the programme of the Council entitled "Access to justice in Nigeria". He highlighted the need for improved access

to justice in the context of the Millennium Development Goals and stressed that relations between formal and informal justice systems were complex and needed to be better understood.

34. The observer for the European Institute for Crime Prevention and Control, affiliated with the United Nations, reported on a study published in 2001 and focused on the methodology of assessing international assistance. The need for inclusive partnerships between donor and recipient countries was emphasized. The observer for the Latin American Institute for the Prevention of Crime and the Treatment of Offenders gave information on criminal justice reform projects and activities in the Latin American region.

35. The representative of Italy provided an overview of projects funded by Italy in the area of institution-building and criminal justice reform that were being implemented by the United Nations Office on Drugs and Crime, the United Nations Interregional Crime and Justice Research Institute and other international organizations.

36. In his presentation, the observer for the International Institute of Higher Studies in Criminal Sciences dealt with a training programme for the Afghan judiciary aimed at building training capacity.

37. The rapporteur of the workshop, Jay Albanese, of the National Institute of Justice of the United States Department of Justice, provided an overview of the issues discussed. He illustrated the various stages of the complex process to establish or re-establish the rule of law, which started from addressing economic disparities and continued with dealing with families, ethics and education. The will to change could only be generated through firm action in corruption control and prevention, while legal tools were necessary to maintain social control, personal security and access to justice. The institutional capacity of the criminal justice system should be reinforced through training and technical assistance. The role of the United Nations in implementing programmes was crucial. Coordinated efforts should be made in the direction of promoting both the rule of law and socio-economic development.

C. Action taken by the Commission

38. At its 16th meeting, on 20 May, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "The rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction", sponsored by Algeria, Burkina Faso, Burundi, Canada, Côte d'Ivoire, Egypt, Ireland (on behalf of the States Members of the United Nations that are members of the European Union, candidate States Bulgaria, Romania and Turkey and States that are part of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the former Yugoslav Republic of Macedonia), Kuwait, the Libyan Arab Jamahiriya, Nigeria, Saudi Arabia, Switzerland, Uganda, Viet Nam and Yemen (E/CN.15/2004/L.4/Rev.1). (For the text, see chapter I, section B, draft resolution II.) Before the approval of the draft resolution, a representative of the Secretariat made a statement, the text of which is contained in annex II.

Chapter III
Work of the United Nations Office on Drugs and Crime

39. At its 1st and 2nd meetings, on 11 May, the Commission on Crime Prevention and Criminal Justice considered agenda item 4, entitled "Work of the United Nations Office on Drugs and Crime". It had before it the following documents:

(a) Report of the Executive Director on development, security and justice for all (E/CN.7/2004/9-E/CN.15/2004/2);

(b) Report of the Secretary-General on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network (E/CN.15/2004/4).

40. Following an introductory statement by the Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime, the Commission heard statements from the representatives of Algeria (on behalf of the States Members of the United Nations that are members of the Group of 77 and China), Canada, Egypt, India, Japan, the Republic of Korea, Turkey and the United States of America.

41. Statements were also made by the observers for Angola (on behalf of the States Members of the United Nations that are members of the Group of African States), Colombia (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States), Ireland (on behalf of the States Members of the United Nations that are members of the European Union and its candidate and potential candidate States), Morocco and Oman. The observers for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the European Institute for Crime Prevention and Control, affiliated with the United Nations, and the United Nations Interregional Crime and Justice Research Institute also made statements.

A. Deliberations

42. Several speakers welcomed the report of the Executive Director on development, security and justice for all (E/CN.7/2004/9-E/CN.15/2004/2) and commended the United Nations Office on Drugs and Crime for its efforts in preventing and combating all forms of criminality, in particular through advisory services and technical assistance programmes. A number of speakers expressed their appreciation for the efforts of the Executive Director and the Office to integrate the crime and drug programmes and welcomed the introduction of the new organizational structure, as well as the re-profiling of the field office network. Those measures were expected to further enhance the work of the Office and bring about cost-effectiveness and efficiency in delivery of services. It was suggested that consideration should be given to submitting a report on those aspects of the work of the Office relating only to the mandate of the Commission on Crime Prevention and Criminal Justice.

43. Strong support was expressed by many speakers for the technical assistance programmes of the United Nations Office on Drugs and Crime on promoting the ratification and implementation of the international legal instruments against corruption, transnational organized crime and terrorism. Donors were called on to

support the activities of the related programmes. One speaker expressed support for the initiative of the Office in providing technical assistance for the reconstruction of judicial institutions in the post-conflict situation in Afghanistan and hoped that Iraq would also become the beneficiary of similar initiatives.

44. Some speakers noted that the application of United Nations standards and norms in crime prevention and criminal justice depended on the conditions to be found in the various social systems, cultural backgrounds, legal systems and stages of development of Member States. At the same time, the application of United Nations standards and norms was an important part of the development of countries.

45. Some speakers highlighted the fact that developing countries needed sustainable international cooperation and technical assistance, including for national capacity-building in the area of crime prevention and criminal justice. Greater involvement of development agencies, such as the United Nations Development Programme and the World Bank, was vital in that respect to enhance the sustainability of crime prevention and criminal justice programmes. It was noted that the meeting of the United Nations System Chief Executives Board for Coordination, hosted by the United Nations Office on Drugs and Crime in April 2004, had approved a major policy document on the relationship between crime and development that laid the foundation for strong partnerships with Member States and within the United Nations system to fight crime and thus remove a major obstacle to development.

46. Satisfaction was expressed at the entry into force of the Organized Crime Convention and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II), and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (resolution 55/25, annex III). Speakers also underlined the importance of the entry into force of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (resolution 55/255, annex), which would become a useful tool in the fight against transnational organized crime and terrorism. The international community should give high priority to the ratification and implementation of the Organized Crime Convention and its Protocols. Furthermore, the first session of the Conference of the Parties to the Convention, to be held in Vienna from 28 June to 9 July 2004, would be an opportunity to review further measures for the effective implementation of the Convention. It would be essential to ensure that the Conference of the Parties and the United Nations Office on Drugs and Crime worked together in a fully complementary manner.

47. Many speakers also expressed their satisfaction at the adoption of the Convention against Corruption by the General Assembly and at the High-level Political Conference for the Purpose of Signing the Convention, hosted by the Government of Mexico in Merida, Mexico, from 9 to 11 December 2003. They called on States to act expeditiously to ensure the rapid entry into force of the Convention and expressed support for the work of the United Nations Office on Drugs and Crime in that respect.

48. A number of speakers noted that the fight against terrorism had been reinforced by the increased number of States parties to the 12 universal instruments against terrorism and commended the efforts of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in promoting ratification and implementation of those instruments, in cooperation with the Security Council committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (the "Counter-Terrorism Committee"). Strategies for combating terrorism should also include capacity-building, transfer of technology and training programmes.

49. Some speakers stated that their Governments were taking steps towards becoming parties to the above-mentioned instruments and were in the process of incorporating the relevant provisions into their legislation. Support was expressed for the use of the United Nations legislative guides in that endeavour. The use of in-country mentors could further strengthen the technical assistance programmes of the United Nations Office on Drugs and Crime for combating transnational organized crime. The shift of those programmes towards long-term capacity-building was welcomed. The view was expressed that in order to tackle transnational organized crime effectively, there was a need to explore effective measures in order to confirm individual identification for the purpose of expeditious identification of the victim, as well as the suspect, and in order to contribute to the investigation and deterrence of crime.

50. Greater emphasis should be placed on international cooperation, including extradition and mutual legal assistance, to successfully combat transnational organized crime and terrorism. One speaker underlined the importance of enhanced cooperation in the fight against terrorism under Security Council resolution 1373 (2001) of 28 September 2001, as was reflected by the Follow-up Meeting to the United Nations Counter-Terrorism Committee Special Meeting of 6 March 2003, held in Vienna on 11 and 12 March 2004 with participants from international, regional and subregional organizations (see S/2004/276, annex).

51. Several speakers provided information to the Commission on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, which were making a valuable contribution to the work of United Nations Office on Drugs and Crime.

52. The observer for Angola (speaking on behalf of the Group of African States) stated that the investment of development partners in criminal justice sectors, in particular in Africa, was disproportionately modest in relation to its importance. He called on the United Nations Office on Drugs and Crime to continue conducting research in order to identify and address the root causes of crime. The observer for Jordan (speaking on behalf of the States Members of the United Nations that are members of the Group of Asian States) stated that the Group attached great importance to the Vienna Declaration on Crime and Justice, which acknowledged that comprehensive crime prevention strategies had to address the root causes and risk factors related to crime and emphasized the importance of the involvement of Governments, as well as national, interregional and international institutions in that regard. The observer for Ireland (speaking on behalf of the European Union and its candidate and potential candidate States) welcomed the commitment of the Executive Director to further improve the capacity of the Office to conduct research and analysis on crime. He welcomed the establishment of the new independent

evaluation function and stressed the importance of further integration of result-based management in the policies of the Office. The observer for Colombia (speaking on behalf of the Group of Latin American and Caribbean States) recognized the efforts of the Office to combat drugs and crime in conjunction with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network. The work undertaken by the Office, in particular in cooperation with the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, was of great importance to the region. The representative of Algeria (speaking on behalf of the Group of 77 and China) underlined the importance of improved mechanisms for enhancing prevention, law enforcement and institutional capacities of States against urban criminality, which was a high priority for the Group.

53. It was recommended that the Commission follow up on the plans of action for the implementation of the Vienna Declaration on Crime and Justice at subsequent sessions, taking into account the outcome of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice. Concern was expressed at the lack of adequate resources for relevant follow-up activities. Appreciation was expressed to the United Nations Office on Drugs and Crime for the efficient organization of regional preparatory meetings for the Eleventh Congress and gratitude was expressed to the Government of Thailand for having briefed Member States on arrangements made for the Congress. One speaker emphasized the importance of the prevention of cybercrime and expressed support for consideration of a United Nations convention against cybercrime at the Eleventh Congress.

54. Several speakers welcomed the ongoing efforts of the Executive Director in the area of management reform at the United Nations Office on Drugs and Crime. The importance of good governance, transparency, result-based budgeting and an independent evaluation function was emphasized. Continued improvements in long-term planning and increased cooperation with partners would promote the effective use of resources and help to maintain the momentum of increasing voluntary contributions. However, the disparity between the broad range and number of mandates of the crime programme and the availability of sufficient resources to carry out that work remained a challenge for the Office. Several speakers supported the efforts made by the Office to augment its resources, both from the regular budget and from voluntary contributions, and called for increased financial support from the donor community for its work on crime issues. One speaker announced his Government's intention to increase its contributions to the Office in relation to the activities mandated by the Commission on Crime Prevention and Criminal Justice.

B. Action taken by the Commission

55. At its 16th meeting, on 20 May, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Implementation of technical assistance projects in Africa by the United Nations Office on Drugs and Crime", sponsored by Algeria, Belgium, Chile, Cuba, Egypt, France, the Gambia, Italy, the Libyan Arab Jamahiriya, Mozambique, Nigeria, Portugal, Spain, Tunisia, Turkey, Uganda, the United Kingdom of Great Britain and Northern Ireland and Zimbabwe (E/CN.15/2004/L.16/Rev.1). (For the text, see chapter I, section B, draft resolution IX.) Before the approval of the draft resolution,

a representative of the Secretariat made a financial statement, the text of which is contained in annex III. After the approval, the representative of the Netherlands indicated that, while the resolution dealt with drugs and crime, its provisions should not prejudice or have any impact on the mandates of either the Commission on Narcotic Drugs or the Commission on Crime Prevention and Criminal Justice.

56. Also at its 16th meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Strengthening the technical cooperation capacity of the Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime", sponsored by Algeria, Argentina, Brazil, Burundi, Canada, Chile, Colombia, Cuba, Ecuador, El Salvador, the Gambia, Kuwait, the Libyan Arab Jamahiriya, Morocco, Mozambique, Nigeria, Paraguay, Peru, Portugal, the Republic of Korea, Saudi Arabia, Serbia and Montenegro, the Syrian Arab Republic, Tunisia, Turkey, Uganda and Yemen (E/CN.15/2004/L.18/Rev.1). (For the text, see chapter I, section B, draft resolution X.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex IV.

57. Also at its 16th meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Combating the spread of HIV/AIDS in criminal justice, pre-trial and correctional facilities", sponsored by Albania, Argentina, Austria, Brazil, Burundi, Canada, Chile, Cuba, Ecuador, El Salvador, the Gambia, Ireland (on behalf of the States members of the European Union and its candidate and potential candidate States), Kuwait, the Libyan Arab Jamahiriya, Paraguay, Peru, Poland, Serbia and Montenegro, Spain, Switzerland, Uganda and Zimbabwe (E/CN.15/2004/L.21/Rev.1). (For the text, see chapter I, section B, draft resolution XII.)

Chapter IV
International cooperation in combating transnational crime

58. At its 2nd and 5th meetings, on 11 and 13 May, the Commission on Crime Prevention and Criminal Justice considered agenda item 5, entitled "International cooperation in combating transnational crime". It had before it the following documents:

(a) Report of the Secretary-General on the United Nations Convention against Transnational Organized Crime and the Protocols thereto (E/CN.15/2004/5);

(b) Report of the Secretary-General on the United Nations Convention against Corruption (E/CN.15/2004/6);

(c) Report of the Secretary-General on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims (E/CN.15/2004/7 and Add.1).

59. At its 2nd meeting, on 11 May, following an introductory statement by the Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime, the Commission heard statements by the representatives of Algeria, Croatia, Saudi Arabia, Thailand and Turkey and the observers for Angola (on behalf of the Group of African States), Argentina, Australia, Colombia (on behalf of the Group of Latin American and Caribbean States), Ireland (on behalf of the States members of the European Union and its candidate and potential candidate States), Morocco and Sweden.

60. At its 5th meeting, on 13 May, the Commission heard statements by the representatives of Brazil, Egypt, India, Indonesia, Mauritania, Mexico, Nigeria, Pakistan, Paraguay, the Republic of Korea and Ukraine and by the observers for Armenia, Azerbaijan, Colombia, France, Liechtenstein, the Libyan Arab Jamahiriya, Panama, Portugal, Qatar and South Africa. The Commission also heard statements by the observers for the United Nations Commission on International Trade Law, the League of Arab States, the International Federation of Red Cross and Red Crescent Societies and the International Organization for Migration.

A. Deliberations

61. The Director of the Division for Treaty Affairs introduced the item by reviewing the work of the United Nations Office on Drugs and Crime with regard to combating transnational organized crime. While emphasizing the achievement of the entry into force of the Organized Crime Convention and the first two Protocols in an expeditious manner, he urged Member States to consider ratifying or acceding to the Firearms Protocol. He summarized the activities of the Office aimed at promoting the ratification of the Organized Crime Convention and its Protocols and stated that the Office was committed to ensuring the universal ratification of and full compliance with those instruments. He also reviewed the role of the Office in supporting the negotiation of the Convention against Corruption and in promoting its ratification. The report on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims was also highlighted.

62. Most speakers identified transnational organized crime as one of the most serious security challenges facing the international community. They noted that the activities of organized criminal networks had expanded beyond traditional sectors such as drug trafficking to encompass a broad range of other interlinked criminal activities: trafficking in persons, smuggling of migrants, kidnapping and economic crime. Zones of conflict and instability, which provided havens for conducting cross-border criminal activity, as well as the development of new communication technologies and the opening of new markets, were having a dramatic impact on the nature and expansion of organized crime.

63. Countering transnational organized crime therefore required a global response, relying first and foremost on increased international cooperation. Several speakers emphasized that it was essential to coordinate international efforts and that the United Nations Office on Drugs and Crime was the most appropriate body to lead those efforts, thereby avoiding duplication of effort and waste of resources. They also acknowledged the usefulness of the assistance extended by the Office to their countries, through training seminars and technical cooperation, in the fight against transnational organized crime, terrorism, money-laundering and corruption and stressed the need for additional resources in order to further strengthen international action in those areas.

1. United Nations Convention against Transnational Organized Crime and the Protocols thereto

64. Many speakers welcomed the entry into force of the Organized Crime Convention and its first two Protocols as a major achievement in the fight against transnational organized crime and called for the prompt entry into force of the Firearms Protocol. An appeal to Member States that had not yet done so to ratify or accede to the Convention and its Protocols was reiterated. In that connection, several speakers informed the Commission of progress made towards ratification of the instruments, including the conclusion of their internal ratification processes.

65. Several speakers expressed their appreciation for the work of the United Nations Office on Drugs and Crime in promoting the ratification and implementation of the Convention and its Protocols, emphasizing that the ratification of those instruments, in particular the Firearms Protocol, should remain the highest priority of the Secretariat. The Office was requested to continue providing technical assistance and expertise to requesting States and encouraged to circulate the legislative guides as soon as possible, in order to facilitate ratification and implementation. It was also repeatedly emphasized that strengthening of international cooperation in the areas of extradition, mutual legal assistance and money-laundering was crucial.

66. The representative of Algeria (speaking on behalf of the Group of 77 and China) recalled that the General Assembly, in its resolution 58/135 of 22 December 2003, had requested the United Nations Office on Drugs and Crime to undertake a study on the functioning of extradition and mutual legal assistance through existing mechanisms. While that mandate had been reflected in the annotations to the provisional agenda, there was no mention of such a study in any of the documents before the Commission. She indicated that the Group expected that such a study would be undertaken and that the findings would be presented to the Commission at its fourteenth session, as it would provide very useful input to the discussion by the

Commission on the agenda items related to international cooperation. The Group of 77 and China were of the view that an open-ended intergovernmental expert group meeting should be convened to examine the feasibility of an international convention to facilitate international cooperation in those areas.

67. Noting the importance of effective implementation of the Organized Crime Convention and the first two Protocols, which had recently entered into force, some speakers underscored the role of the Conference of the Parties to the Convention in promoting and reviewing the implementation of the instruments, including specific efforts to ensure the participation of least developed countries in the deliberations of the Conference. The need to familiarize the public with the instruments in order to facilitate their implementation was also suggested. Several speakers shared their experience in the fight against organized crime at the national and regional levels and reported on efforts to bring their national legislation into compliance with the provisions of the Convention and its Protocols. Some States presented their strategies against organized crime in the framework of development assistance, for example in connection with trafficking in persons, and urged the donor countries to review existing development assistance policies with a view to providing additional resources for a strengthened programme of technical assistance to developing countries.

68. Several speakers expressed the wish that the Eleventh United Nations Congress on Crime Prevention and Criminal Justice provide an opportunity to discuss issues relevant to the implementation of the Convention and its Protocols, as well as to raise awareness about the instruments. It was proposed that an exchange of opinion take place among experts with regard to the effective implementation of the instruments and that a discussion be held on strengthening international cooperation, in particular in terms of extradition and mutual legal assistance.

2. United Nations Convention against Corruption

69. All speakers reaffirmed the determination of their States to combat corruption, which was identified as a major threat to sustainable development, good governance and the rule of law, as well as a facilitator of most forms of organized criminality. All speakers welcomed the adoption of the Convention against Corruption, the first legally binding global instrument against corruption. It was noted that the Convention had been opened for signature in December 2003 at the High-level Political Conference for the Purpose of Signing the Convention, held in Mérida, Mexico, and that a large number of States had signed the Convention. The wish was expressed that the high number of signatures be promptly followed by an equally high number of ratifications, so that it would be possible for the Convention to enter into force in the near future.

70. Several speakers informed the Commission that steps towards the domestic approval of the Convention for ratification had been taken in their States and that ratification was either imminent or contemplated in the near future. Speakers reported on the adoption of national anti-corruption strategies, programmes and policies and on the establishment of national anti-corruption bodies. In many States, legislation had been or was being introduced to establish corrupt practices as criminal offences, to facilitate investigation and prosecution, to increase sanctions and to enhance transparency and accountability of public administration, creating in

both the public and the private sectors an ethical environment, where corruption would not be tolerated.

71. A number of speakers described regional efforts to harmonize national definitions of corruption and criminalization and sanctions against corruption, emphasizing the need to strengthen coordination among anti-corruption bodies at both the regional and the international level.

72. Several speakers indicated that their Governments would require specialized assistance and advice to expedite the review of national legislation and to carry out ratification and implementation. In that connection, support was expressed for the programme of activities outlined in the report of the Secretary-General (E/CN.15/2004/6) for promoting the entry into force and implementation of the Convention. The observer for France and the representative of the United States of America announced that their Governments had decided to support, through voluntary financial contributions, the promotion of the entry into force of the Convention, including preparation of a legislative guide on the Convention.

73. A number of speakers emphasized the keen interest of their States in the issue of recovery of assets derived from corruption and their return to the State that was the legitimate owner of such assets, calling for provision by the United Nations Office on Drugs and Crime of technical assistance to enhance the capacity of States to cooperate for that purpose. It was suggested that the Eleventh United Nations Congress on Crime Prevention and Criminal Justice could offer a valuable opportunity to discuss that issue during the consideration of the substantive item on measures to combat economic crime, including money-laundering, and at the workshop on the same subject.

3. International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims

74. Several speakers stressed the continued impact and cost of kidnapping in their countries. It was noted that the phenomenon was not confined to any region or group of States but had assumed global proportions. Essential to the combating of kidnapping was the promotion of more effective forms of international cooperation and exchange of information. In addition, the importance of effective support to victims of kidnapping and their families was stressed. For those reasons, the representative of Colombia (speaking on behalf of the Group of Latin American and Caribbean States) supported expanded cooperation to combat kidnapping, as well as the provision of an expanded programme of technical assistance.

75. One speaker provided a detailed overview of recent policy initiatives aimed at combating the problem of kidnapping in his country. Among others, these included the building of effective law enforcement capacity to respond to the specific challenges posed by kidnapping; an effective system to monitor ongoing cases of kidnapping; mechanisms, such as the provision of information to raise awareness, aimed at preventing cases of kidnapping; and reforming the legislative framework, ensuring among other objectives that effective protection and support was provided to victims and their families. Significant lessons had been learned in preventing and responding to cases of kidnapping; those lessons might be of value to other States confronted by similar problems.

76. Several speakers supported the recommendations made in the report of the Secretary-General on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims (E/CN.15/2004/7 and Add.1). In particular, the importance of sharing lessons learned and best practices in countering kidnapping was highlighted. In that regard, the initiative of Colombia to provide support for the development of a law enforcement manual on prevention and counter-kidnapping techniques was welcomed by several speakers. The value of debating the issue of kidnapping at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, including the results of the work carried out by the United Nations Office on Drugs and Crime on the manual of best practices, was underscored.

B. Action taken by the Commission

77. At its 16th meeting, on 20 May, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims", sponsored by Argentina, Brazil, Chile, Colombia, Croatia, El Salvador, France, Guatemala, Paraguay, Peru, Spain, the Syrian Arab Republic and Venezuela (E/CN.15/2004/L.11/Rev.1). (For the text, see chapter I, section A, draft resolution IV.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex V.

78. Also at its 16th meeting, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption", sponsored by Albania, Algeria (on behalf of the States members of the Group of 77 and China), Argentina, Australia, Burkina Faso, Canada, Chile, Colombia, Côte d'Ivoire, Croatia, Ecuador, El Salvador, France, Indonesia, Iran (Islamic Republic of), Ireland (on behalf of the States members of the European Union and its candidate and potential candidate States), Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mexico, Morocco, Mozambique, the Netherlands, Nigeria, Norway, Peru, Portugal, Romania, Saudi Arabia, Serbia and Montenegro, Switzerland, the Syrian Arab Republic, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Yemen and Zimbabwe (E/CN.15/2004/L.12/Rev.1). (For the text, see chapter I, section A, draft resolution V.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex VI.

79. Also at its 16th meeting, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "Preventing, combating and punishing trafficking in human organs", sponsored by Algeria, Chile, Cuba, Egypt, the Gambia, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Morocco, Oman, Paraguay, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen (E/CN.15/2004/L.13/Rev.1). (For the text, see chapter I, section A, draft resolution VI.) Before the approval of the draft resolution,

a representative of the Secretariat made a financial statement, the text of which is contained in annex VII.

80. Also at its 16th meeting, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", sponsored by Algeria (on behalf of the States members of the Group of 77 and China, excluding the Islamic Republic of Iran), Croatia, Kuwait, Poland, Portugal, Romania, Serbia and Montenegro and Turkey (E/CN.15/2004/L.20/Rev.1). (For the text, see chapter I, section A, draft resolution VII.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex VIII.

81. Also at its 16th meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Establishment of an intergovernmental expert group to prepare a draft model bilateral agreement on disposal of confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988", sponsored by Azerbaijan (on behalf of the GUUAM Group, excluding Uzbekistan (Azerbaijan, Georgia, the Republic of Moldova and Ukraine)), Colombia, Croatia, El Salvador, Ireland (on behalf of the States members of the European Union and its candidate and potential candidate States), Liechtenstein, Paraguay, Peru, the Russian Federation, Switzerland and the United States of America (E/CN.15/2004/L.2/Rev.1). (For the text, see chapter I, section B, draft resolution I.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex IX. After the approval, the representative of Cuba stated that his Government dissociated itself from the consensus on operative paragraph 1 regarding the expression "subject to extrabudgetary resources" and reserved the right to raise that issue within the framework of the Economic and Social Council and the General Assembly.

82. Also at its 16th meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "International cooperation in the prevention, investigation, prosecution and punishment of fraud, the criminal misuse and falsification of identity and related crimes", sponsored by Algeria, Australia, Canada, Croatia, Ecuador, Egypt, El Salvador, Ireland (on behalf of the States members of the European Union and its candidate and potential candidate States), Japan, Kuwait, Nigeria, Paraguay, Peru, Saudi Arabia, Serbia and Montenegro, Thailand, Uganda and the United Kingdom of Great Britain and Northern Ireland (E/CN.15/2004/L.6/Rev.1). (For the text, see chapter I, section B, draft resolution III). Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex X. After the approval, the representative of Cuba stated that his Government dissociated itself from the consensus on operative paragraph 4 regarding the expression "subject to extrabudgetary resources" and reserved the right to raise that issue within the framework of the Economic and Social Council and the General Assembly.

83. Also at its 16th meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Guidelines on justice for child victims and witnesses of crime", sponsored by Albania, Algeria, Argentina, Burundi, Canada, Chile, Croatia, Egypt, El Salvador, Ghana, Ireland (on behalf of the States members of the European Union and its candidate and potential candidate States), the Libyan Arab Jamahiriya, Nigeria, Paraguay, the Philippines, Portugal, Romania, Serbia and Montenegro, Slovakia, the Syrian Arab Republic and Yemen (E/CN.15/2004/L.7/Rev.1). (For the text, see chapter I, section B, draft resolution IV.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex XI. Following the approval of the draft resolution, the observer for the World Society of Victimology made a statement.

84. Also at its 16th meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Strengthening international cooperation and technical assistance in combating money-laundering", sponsored by Algeria, Argentina, Brazil, Chile, Colombia, Ecuador, El Salvador, France, the Gambia, Guatemala, Iran (Islamic Republic of), Kuwait, the Libyan Arab Jamahiriya, Liechtenstein, Nigeria, Peru, Saudi Arabia, Spain, Switzerland, Turkey and the United States of America (E/CN.15/2004/L.10/Rev.1). (For the text, see chapter I, section B, draft resolution VI.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex XII.

85. Also at its 16th meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Second World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice", sponsored by Algeria, Argentina, Burundi, Côte d'Ivoire, Cuba, Egypt, El Salvador, Iran (Islamic Republic of), Kuwait, the Libyan Arab Jamahiriya, Morocco, Nigeria, Oman, Qatar, Saudi Arabia, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen (E/CN.15/2004/L.14/Rev.1). (For the text, see chapter I, section B, draft resolution VII.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex XIII. After the approval, the representative of the Netherlands dissociated her Government from the consensus for the adoption of the draft resolution.

86. Also at its 16th meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Prevention of urban crime", sponsored by Algeria, Australia, Brazil, Burundi, Canada, Chile, Colombia, Cuba, Ecuador, El Salvador, France, Greece, Hungary, the Libyan Arab Jamahiriya, Morocco, Paraguay, Peru, Saudi Arabia and Venezuela (E/CN.15/2004/L.15/Rev.1). (For the text, see chapter I, section B, draft resolution VIII.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex XIV.

Chapter V

Strengthening international cooperation and technical assistance in preventing and combating terrorism

87. At its 7th and 8th meetings, on 14 May, the Commission on Crime Prevention and Criminal Justice considered agenda item 6, entitled "Strengthening international cooperation and technical assistance in preventing and combating terrorism". The Commission considered the item by conducting a senior-level discussion on progress made with regard to the criminal justice aspects of terrorism and international cooperation and to the universal conventions and protocols related to terrorism. In accordance with a request by the General Assembly, the Counter-Terrorism Committee and relevant intergovernmental organizations were invited to participate in the discussion.

88. The Commission had before it the report of the Secretary-General on strengthening international cooperation and technical assistance in preventing and combating terrorism (E/CN.15/2004/8 and Add.1).

89. Copies of the draft model law on extradition and revised manuals on the Model Treaty on Extradition and the Model Treaty on Mutual Assistance in Criminal Matters were made available to the Commission in conference room papers. In order to provide further information on the work of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, the following materials were also made available: the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*;[72] a CD-ROM containing a draft compendium of legal instruments and useful technical assistance tools to prevent terrorism and other related forms of crime; and a note summarizing the activities of the Terrorism Prevention Branch.

90. Following an introductory statement by the Executive Director of the United Nations Office on Drugs and Crime, the Commission heard statements by the observer for the Counter-Terrorism Committee and by the representatives of Algeria, Austria, Burundi, Canada, China, Croatia, Cuba, Egypt, El Salvador, India, Indonesia, Iran (Islamic Republic of), Pakistan, the Republic of Korea, the Russian Federation, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States. Statements were also made by the representative of Algeria (on behalf of the Group of 77 and China) and by the observers for Angola (on behalf of the Group of African States), Azerbaijan (on behalf of the GUUAM Group, excluding Uzbekistan (Azerbaijan, Georgia, the Republic of Moldova and Ukraine), Colombia (on behalf of the Group of Latin American and Caribbean States) and Ireland (on behalf of the States members of the European Union and its candidate and potential candidate States). The Commission also heard statements by the observers for Angola, Argentina, Australia, Azerbaijan, France, Germany, Jordan, Kuwait, Morocco, Panama, Sweden, the Syrian Arab Republic, Uganda, the United Arab Emirates and Yemen. The observers for the Office of Legal Affairs of the Secretariat, the United Nations Interregional Crime and Justice Research Institute, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, the International Monetary Fund, the Institute for Security Studies and the League of Arab States also made statements. The Commission also heard statements by the Chief of the Terrorism Prevention Branch of the United Nations

[72] United Nations publication, Sales No. E.04.V.7.

Office on Drugs and Crime and the Coordinator of the project being carried out by the Branch on strengthening the legal regime against terrorism. Owing to lack of time, written statements were submitted by the representatives of Brazil and Paraguay and the observer for the International Association of Prosecutors.

A. Deliberations

91. The Executive Director of the United Nations Office on Drugs and Crime introduced the agenda item by providing statistics on international terrorist attacks and armed attacks of a domestic nature, stressing the need for enhanced international cooperation. He noted the attacks on international organizations such as the International Committee of the Red Cross and the United Nations, which had been deliberately targeted. He highlighted examples of the progress being made with regard to international, regional and national measures to counter terrorism, noting that the Global Programme against Terrorism had provided legislative assistance to over 75 States, 38 of which had received direct bilateral assistance, with terrorism prevention experts being strategically placed in the field to support and follow up on assistance activities. He suggested, among other measures, the establishment of a mentorship programme to provide in-depth assistance to States with special needs.

92. The observer for the Counter-Terrorism Committee highlighted the principal courses of action available to the United Nations in its fight against terrorism and, more specifically, the reasons for the involvement of the Security Council. He also outlined the results of the action taken by the Council, in particular the strong commitment of the international community, as well as obstacles faced by Member States in combating the phenomenon. The importance of Security Council resolution 1373 (2001), in which the Council had called upon States to criminalize terrorism and the financing of terrorism, to take administrative measures to control the movement of terrorists and to cooperate internationally in police, judicial and other matters, was also highlighted. Having stressed that the existing 12 universal instruments against terrorism represented the legal basis for international cooperation, he highlighted the work of the Committee and the complementary work carried out by other international and regional entities, such as the United Nations Office on Drugs and Crime, noting the exemplary nature of the cooperation between the Counter-Terrorism Committee and the Office.

93. All speakers recognized that terrorism was one of the most serious threats to freedom, democracy and human rights and a main source of destabilization for States and societies. Terrorism had to be condemned in all its forms and manifestations, irrespective of the place where terrorist acts were committed or who committed them. It was stressed that there was no excuse for acts of terrorism and that there should be no distinction between "good" and "bad" terrorism. Furthermore, a number of speakers stressed that terrorism was not linked to any specific religion. There was recognition that terrorism was a transnational phenomenon and that it could only be defeated with the active participation of all States and regional organizations. Speakers referred to recent terrorist attacks, as well as to acts of terrorism committed in their countries, expressing their deep sympathy for the tragic loss of life caused. In that regard, the observer for Ireland (speaking on behalf of the States members of the European Union and its candidate

and potential candidate States), recalled that 11 March had been declared European Day for the Victims of Terrorism and that States members of the European Union had been invited to create special funds for victims of such acts.

94. Some speakers underlined the importance of addressing the root causes and breeding grounds of terrorism, identifying such causes as a mixture of social, political and economic factors. One speaker noted that measures to prevent terrorism should include awareness-raising, dialogue and the teaching of co-existence. Another speaker listed measures, including victim compensation, the improvement of social conditions and the criminalization of discrimination based on sex, religion or religious affiliation, as valuable means to fight the causes of terrorism. Some speakers emphasized the importance of General Assembly resolution 3034 (XXVII) of 18 December 1972 and other relevant resolutions related to the issue of root causes of terrorism, as well as the study of those causes.

95. Several speakers highlighted the need to make progress in the work on the draft comprehensive convention on international terrorism and to enhance the international legal framework against terrorism, in particular with a view to developing a clear definition of terrorism. The importance of having a global legal framework, with the corresponding provisions to detect, prevent, prosecute and convict terrorists, with full respect for human rights and the rule of law, was stressed.

96. Some speakers noted with concern the links between terrorism and other forms of criminal behaviour, such as trafficking in drugs and arms and money-laundering, which had already been recognized by the Security Council in its resolution 1373 (2001). One speaker reported that terrorists were taking advantage of new technologies and were engaging in cybercrime. Another speaker drew the attention of the Commission to recent studies by the International Criminal Police Organization (Interpol) suggesting linkages between intellectual property rights, crime and terrorist financing. Many speakers made reference to the information contained in the report of the Secretary-General (E/CN.15/2004/8 and Add.1) and expressed their satisfaction with the analysis of the information received. Most speakers supported an integrated approach to the fight against terrorism and other forms of organized crime. The representative of Azerbaijan (on behalf of the GUUAM Group, excluding Uzbekistan) noted that the fight against terrorism could not be successful in isolation from organized crime, armed separatism, extremism, drug trafficking and the proliferation of small arms and weapons of mass destruction. Many speakers, including the observer for Colombia (on behalf of the Group of Latin American and Caribbean States), emphasized the importance of international cooperation in the fight against terrorism and other forms of crime. One speaker pointed out that the question of links between the two phenomena should be approached with caution, since those links were chiefly isolated cases of similarity between acts and did not reflect a common political or ideological background.

97. Many speakers noted the record of their Government in ratifying existing universal and regional instruments related to the prevention and suppression of international terrorism. Several speakers outlined the recent accession by their Governments to such instruments and mentioned specific measures taken internally in the process of adjusting national legislation to international standards in order to implement the ratified instruments and comply with the requirements of Security

Council resolution 1373 (2001). Measures adopted included criminalization of new offences, enhancing capacity to prevent, prosecute and sanction terrorist acts and specific steps to identify the financing of terrorism, including regulation of alternative means for the transfer of funds and new provisions for the seizure and confiscation of funds. A number of speakers also referred to the need to strengthen international cooperation and reported on measures taken to expedite judicial cooperation and mutual legal assistance, including the signing and ratification of extradition and other bilateral or subregional agreements. In that regard, some speakers specifically referred to their work with relevant regional organizations, such as the Asia-Pacific Economic Cooperation, the Association of South-East Asian Nations, the Cooperation Council for the Arab States of the Gulf, the European Union, the League of Arab States, the Organization of American States and the Organization for Security and Cooperation in Europe (OSCE).

98. The view was also expressed that international cooperation in combating terrorism needed to be strengthened through international instruments, in full respect for international law, human rights and humanitarian law, in order to uphold the principles of the rule of law. In that regard, some speakers underlined the crucial role of the criminal justice system and the need for technical assistance to reinforce the capacity of judicial and prosecutorial offices in their fight against terrorism. One speaker stressed the need to recall that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted on 25 June 1993 by the World Conference on Human Rights, recognized that terrorism constituted a serious violation of human rights.

99. Speakers welcomed the update contained in the report of the Secretary-General on the status of technical assistance activities of the Terrorism Prevention Branch and on efforts made to initiate joint activities with other relevant actors.

100. Several speakers expressed their satisfaction with the work carried out by the Terrorism Prevention Branch with regard to cooperation with regional and international organizations. In that regard, the complementary, non-duplicative work carried out by the United Nations Office on Drugs and Crime in support of the overall role of the Counter-Terrorism Committee was noted. Some speakers called for further strengthened coordination between the two United Nations entities. In that regard, they welcomed the revitalization of the Counter-Terrorism Committee, as presented in Security Council resolution 1535 (2004) of 26 March 2004, and the appointment of an Executive Director of the Counter-Terrorism Committee Executive Directorate, who was to be in charge of implementing resolutions and directives of the Committee. Some speakers made specific reference to the Follow-up Meeting to the United Nations Counter-Terrorism Committee Special Meeting of 6 March 2003, which had been organized by OSCE in cooperation with the United Nations Office on Drugs and Crime in Vienna on 11 and 12 March 2004 with participants from international, regional and subregional organizations. The Vienna Declaration emanating from that meeting (S/2004/276, annex), in which the participating organizations committed themselves to joint activities, was welcomed. The observer for the League of Arab States expressed the readiness of the League to host, together with the Office and the Counter-Terrorism Committee, the next such follow-up meeting, in Cairo. In order to further enhance cooperation between organizations, the representative of Ukraine stated that a common matrix of joint counter-terrorism activities should be developed by the Counter-Terrorism

Committee, noting that the efforts and resources of international organizations should be coordinated in order to react adequately to threats to peace and security. The cooperation of the Office with regional organizations was welcomed in particular.

101. In referring to the technical assistance activities already carried out by the Terrorism Prevention Branch in their respective States, many speakers expressed their appreciation for the legislative advisory services provided. Several speakers made reference to specific national, subregional and regional workshops for the ratification and implementation of the universal anti-terrorism instruments. An especially important aspect of the mandate of the Branch was identified in its contribution to the universalization of the United Nations instruments against terrorism to create a global, encompassing legal framework.

102. Some speakers noted the need for future assistance and advice on the implementation of the universal instruments, including legislative assistance, as well as for specific training, establishment of national bodies and provision of equipment. The representative of Angola (on behalf of the Group of African States) and the representative of Colombia (on behalf of the Group of Latin American and Caribbean States) called upon the international community and the United Nations Office on Drugs and Crime to provide continued, reinforced assistance.

103. While some speakers expressed the view that the United Nations Office on Drugs and Crime should maintain its focus on legal reform, other speakers advocated a greater role for the United Nations and for the Office in fighting terrorism. Most speakers agreed that it was crucial, once the instruments had been ratified, for the Office to provide assistance in building capacity to implement the global instruments effectively at the national level. Some speakers made specific suggestions for other possible areas of work for the Terrorism Prevention Branch, such as surveys, studies and media campaigns. However, other speakers suggested that the work of the Office in relation to the issue of terrorism should be in the framework of its mandate to provide technical assistance for promoting ratification, accession and implementation of the universal conventions and protocols, as well as of relevant Security Council resolutions.

104. Many speakers stressed the need for the Terrorism Prevention Branch to have adequate financial resources to carry out its tasks effectively. The United Kingdom announced a contribution of approximately $500,000 and France announced it would contribute €200,000. The representative of the United States stated that his Government intended to provide the Branch with additional resources. The representative of Canada recalled her Government's financial support for the United Nations Office on Drugs and Crime/Organization of American States seminar, held in Costa Rica in January 2004, on the implementation of the universal legal instruments against terrorism and the Inter-American Convention against Terrorism. She indicated the commitment of her Government to seek additional funds for follow-up activities. The representative of Austria noted that Austria's donation of $1 million together with contributions from other donor countries had provided the necessary financial resources to allow the Terrorism Prevention Branch to fulfil its mandate and encouraged other donor countries to make additional contributions.

105. The representative of the Office of Legal Affairs of the Secretariat briefed the Commission on international instruments related to international terrorism, as well

as on the draft comprehensive convention and the draft nuclear terrorism convention prepared by the Ad Hoc Committee on International Terrorism established by the General Assembly in its resolution 51/210 of 17 December 1996.

106. The observers for the United Nations Interregional Crime and Justice Research Institute, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, the International Monetary Fund, the Institute for Security Studies and the League of Arab States provided examples of their terrorism prevention activities, including joint activities carried out with the United Nations Office on Drugs and Crime, and stressed the need for strengthened sharing of information and best practices. The observer for the United Nations Interregional Crime and Justice Research Institute also announced the launching of a joint project with the Max Planck Institute to publish a journal on terrorism and organized crime.

B. Action taken by the Commission

107. At its 16th meeting, on 20 May, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime", sponsored by Albania, Algeria, Argentina, Australia, Austria, Azerbaijan (on behalf of the GUUAM Group, excluding Uzbekistan (Azerbaijan, Georgia, the Republic of Moldova and Ukraine)), Canada, Chile, Croatia, Ecuador, El Salvador France, India, Ireland (on behalf of the States members of the European Union and its candidate and potential candidate States), Italy, Kuwait, the Libyan Arab Jamahiriya, Paraguay, Peru, the Republic of Korea, Romania, Serbia and Montenegro, Spain, Switzerland, Turkey, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Yemen and Zimbabwe (E/CN.15/2004/L.8/Rev.1). Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex XV. After the approval, the representative of Cuba stated that his Government dissociated itself from the consensus on operative paragraphs 3, 5, 10, 14 and 15 regarding the expression "subject to extrabudgetary resources" and reserved the right to raise that issue within the framework of the Economic and Social Council and the General Assembly. (For the text, see chapter I, section A, draft resolution III.)

Chapter VI

Use and application of United Nations standards and norms in crime prevention and criminal justice

108. At its 9th meeting, on 17 May, the Commission on Crime Prevention and Criminal Justice considered agenda item 7, entitled "Use and application of United Nations standards and norms in crime prevention and criminal justice". The Commission had before it the following documents:

(a) Report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2004/9);

(b) Report of the Intergovernmental Expert Group on United Nations Standards and Norms in Crime Prevention and Criminal Justice, held in Vienna from 23 to 25 March 2004 (E/CN.15/2004/9/Add.1);

(c) Report of the Secretary-General on the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property (E/CN.15/2004/10 and Add.1);

(d) Report of the Secretary-General on good practices in crime prevention (E/CN.15/2004/12 and Add.1).

109. Following an introductory statement by the Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime, the Commission heard statements by the representative of Algeria (on behalf of the Group of 77 and China), the observers for Angola (on behalf of the Group of African States) and Ireland (on behalf of the States members of the European Union and its candidate and potential candidate States), the representatives of Austria, Brazil, Canada, Cuba, Egypt, Jamaica, the Republic of Korea and Turkey and the observers for Argentina and Guatemala. Statements were also made by the following United Nations entities: the United Nations Human Settlements Programme (UN-Habitat) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Special Envoy of the Secretary-General on HIV/AIDS in Eastern Europe and Central Asia also made a statement. Statements were also made by the following institutes and non-governmental organizations: the European Institute for Crime Prevention and Control, affiliated with the United Nations, the American Society of Criminology, the Asia Crime Prevention Foundation, Defence for Children International, the International League for Human Rights and Penal Reform International.

A. Deliberations

110. In his introductory statement, the Director of the Division for Treaty Affairs noted that the United Nations standards and norms in crime prevention and criminal justice were a standing item on the agenda of the Commission and he highlighted the main elements of the reports before the Commission. In relation to the Intergovernmental Expert Group Meeting on United Nations Standards and Norms in Crime Prevention and Criminal Justice (see E/CN.15/2004/9/Add.1), convened in accordance with Economic and Social Council resolution 2003/30 of 22 July 2003, the Director expressed the appreciation of the United Nations Office on Drugs and

Crime to the Government of Canada for its generous financial assistance, which had made the convening of the Expert Group Meeting possible. He also thanked the chairmen of the regional groups for assisting in identifying experts from their groups to attend the Meeting.

111. He informed the Commission that the draft information-gathering questionnaires that had been prepared by the European Institute for Crime Prevention and Control, affiliated with the United Nations, and revised by the Intergovernmental Expert Group Meeting, were before the Commission as conference room papers and that the recommendations of the Meeting were contained in a draft resolution before the Commission.

112. The Chairman of the Intergovernmental Expert Group Meeting introduced the report of the Meeting (E/CN.15/2004/9/Add.1), explaining that the Group was made up of 13 representatives from the 5 regional groups. He stressed the importance of United Nations standards and norms in crime prevention and criminal justice at the national, regional and international levels, especially in criminal justice reform and for countries in post-conflict situations. He stated that each year some 27-30 million people were subjected to imprisonment worldwide. The Chairman referred to his experience as an interregional adviser in the field of crime prevention and criminal justice and stated that United Nations standards and norms had given rise to a change of culture in criminal justice. He gave the examples of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33, annex) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (resolution 45/112, annex), which had contributed to the improvement of juvenile justice and to the implementation of the Convention on the Rights of the Child (resolution 44/25, annex). The Chairman also stressed the importance of applying the United Nations standards and norms in peacekeeping operations; in that connection, cooperation between the Department of Peacekeeping Operations of the Secretariat and the United Nations Office on Drugs and Crime was crucial. He thanked the European Institute for Crime Prevention and Control, affiliated with the United Nations, for the excellent work done in preparing the information-gathering questionnaires, in accordance with the request of the Commission, and explained that the Intergovernmental Expert Group Meeting had examined and reviewed them line by line. The Meeting had also considered the category of standards and norms related primarily to the legal, institutional and practical arrangements for international cooperation and had concluded that, although their use could be improved, an assessment of their implementation would not be very useful, either conceptually or methodologically. He noted that the model treaties reflected in that category had been instrumental in drafting international conventions, such as the Organized Crime Convention and the Convention against Corruption.

113. The Special Envoy of the Secretary-General on HIV/AIDS in Eastern Europe and Central Asia made a presentation on HIV/AIDS, with reference in particular to the prison population in Eastern Europe and Central Asia. He presented statistics on the global HIV/AIDS epidemic, which indicated that HIV/AIDS infections were more prevalent among youth and women. He also noted that, while sub-Saharan Africa still had the largest number of infections and HIV/AIDS-related deaths, the epicentre was moving towards Asia. Current statistics also showed that there was a correlation between a lack of access to anti-retroviral drugs and high rates of

HIV/AIDS infection and death. He referred to the initiative of the World Health Organization (WHO) and the Joint United Nations Programme on HIV/AIDS to treat 3 million people with HIV/AIDS in developing countries by the end of 2005 (the "3 by 5 Initiative"), which would enable 3 million infected persons to have access to anti-retroviral drugs by 2005.

114. In relation to the criminal justice system, he stressed the increasing problem of HIV/AIDS among prison populations in Eastern Europe and Central Asia, which was due mainly to intravenous drug use and unprotected sex, especially among youth. He drew the attention of the Commission to the "WHO guidelines on HIV infection and AIDS in prisons",[73] which provided that inmates should be given access to health care equal to that provided to the general population. With regard to drug-dependent prisoners, they should be encouraged to seek treatment and, where applicable, methadone treatment should be made available. He also suggested that in those countries where condoms, sterile needles and syringes were made available to the general population, they should also be provided to people in prison. He stressed the leadership role played by the United Nations Office on Drugs and Crime and the Joint United Nations Programme on HIV/AIDS in that regard.

115. The observer for Angola (speaking on behalf of the Group of African States) welcomed the report of the Intergovernmental Expert Group Meeting and expressed the full support of the Group of African States for the draft resolution proposed therein. The Group of African States also expressed its appreciation to the Government of Canada for the financial support it had provided, which had made possible the participation of the experts from Africa.

116. The representative of Algeria (speaking on behalf of the Group of 77 and China) welcomed the report of the Intergovernmental Expert Group Meeting and recalled that, in line with the high priority attached to international cooperation by the Group of 77, the Economic and Social Council, in its resolution 2003/30 of 22 July 2003, had included standards and norms related to international cooperation in the first two categories, for which revised survey instruments had been requested from the Secretary-General. However, the Group of 77 and China noted that the Expert Group had only covered the information-gathering instruments regarding standards and norms in the first category, related to persons in custody. The Group of 77 and China expected that a similar exercise would be undertaken with respect to standards and norms in the second category, related to international cooperation.

117. Speaking on behalf of the States members of the European Union and its candidate and potential candidate States, the observer for Ireland stated that the European Union believed that the United Nations standards and norms in crime prevention and criminal justice had a significant role to play in the global effort to address effectively both crime prevention and criminal justice issues and that they had been instrumental in the harmonization of legislation and the development of a unified response to crime-related problems. In that regard, the European Union welcomed the inclusion of the item entitled "Making standards work: fifty years of standard-setting in crime prevention and criminal justice" in the agenda of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice. With regard to the report of the Intergovernmental Expert Group Meeting, he expressed the appreciation of the European Union for the efforts made in ensuring that the

[73] Joint United Nations Programme on HIV/AIDS, UNAIDS/99.47/E (September 1999).

revised questionnaires were short, simple, specific and understandable. The European Union supported the conclusions of the Intergovernmental Expert Group Meeting, including those concerning the second category of standards and norms, related to the legal, institutional and practical arrangements for international cooperation, which took the form of model treaties that could more effectively be assessed through other mechanisms that were more appropriate than information-gathering surveys. He also noted that the European Union placed great importance on effective crime prevention strategies and fully supported the conclusion that activities to counter crime should be both balanced and comprehensive.

118. Many speakers welcomed the reports presented to the Commission and expressed their appreciation for the draft information-gathering questionnaires prepared by the European Institute for Crime Prevention and Control, affiliated with the United Nations, and revised by the Intergovernmental Expert Group Meeting. Several speakers also expressed support for the draft resolution contained in the report of the Meeting.

119. One speaker reported his Government's concern about the process followed in the drafting of the information-gathering questionnaires and their content. He stated that the Intergovernmental Expert Group Meeting had not been sufficiently representative and had not benefited from a democratic participation of interested States. In addition, the draft information-gathering questionnaires were only available in English. He proposed that the revised draft questionnaires be discussed in an open-ended meeting, reporting to the Commission at its fourteenth session.

120. Several speakers referred to measures taken in their countries to implement the United Nations standards and norms in crime prevention and criminal justice, such as the abolition of the death penalty, reform of the prison system, including rehabilitation and reintegration of offenders, the introduction of alternatives to imprisonment, training of law enforcement personnel and protection of victims. Some speakers also stressed the need to build awareness in society regarding the advantages of alternatives to imprisonment.

121. Several speakers welcomed the report of the Secretary-General on good practices in crime prevention (E/CN.15/2004/12 and Add.1), in particular the development of a practical manual on the use and application of the Guidelines for the Prevention of Crime (Economic and Social Council resolution 2002/13, annex).

122. One speaker referred to the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993, which stated that the administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, were essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development (A/CONF.157/23, para. 27). In that regard, he noted that judges occupied a central role in ensuring the maintenance of the rule of law in their countries, but that insufficient attention was given at the international level to recognizing and supporting that important role. In that connection, he called the attention of the Commission to the recommendations of the Symposium on the Role of Judges in the Promotion and Protection of Human Rights, held in Vienna in November 2003 (E/CN.4/2004/G/26, annex). One speaker recalled that Jamaica had participated in

the first expert group meeting. In addition the University of the West Indies had hosted the first meeting of the project being executed by the United Nations Office on Drugs and Crime on South-South regional cooperation for promoting best practices for crime prevention in the developing world. The Minister of National Security of Jamaica was co-chairing that project because of its importance.

123. Referring to the report of the Secretary-General on the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property (E/CN.15/2004/10 and Add.1), several speakers reported that the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property[74] had served as a useful reference when concluding bilateral treaties.

124. The observer for UNESCO noted that trafficking in cultural property was increasing and was second only to drug trafficking from a financial perspective. She referred to two UNESCO conventions and to the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of moveable property, which contained specific provisions related to criminal sanctions and the possibilities to apply criminal law. She recommended a revision of the 1990 model treaty, strengthening the section on criminal sanctions, with a view to bringing the model treaty into line with current international legal standards applicable to the protection of movable cultural property.

125. The observer for UN-Habitat outlined its crime prevention activities through its Safer Cities Programme. The focus of UN-Habitat was on city-level efforts and capacity-building to support local authorities and their partners, including international advocacy, normative development and direct technical assistance. In that connection, UN-Habitat advocated the recognition of local authorities as key partners in combating crime, in line with the Guidelines for Cooperation and Technical Assistance in the Field of Urban Crime Prevention (Economic and Social Council resolution 1995/9, annex) and the Guidelines for the Prevention of Crime. She also reported that UN-Habitat had started joint operational collaboration with the United Nations Office on Drugs and Crime and other United Nations partners to develop local interventions and advocate for crime prevention in the urban setting. UN-Habitat was also assisting in the organization of the Workshop on Strategies and Best Practices for Crime Prevention, in particular in Relation to Urban Crime and Youth at Risk at the Eleventh Congress.

126. The observer for the European Institute for Crime Prevention and Control, affiliated with the United Nations, expressed the gratitude of the Institute to the United Nations Office on Drugs and Crime, the experts involved in the revision of the information-gathering questionnaires and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network for their contributions in preparing the questionnaires.

127. The observer for the Asia Crime Prevention Foundation emphasized the pervasive need to continue to develop activities and projects on the use and application of the United Nations standards and norms in crime prevention and

[74] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B, para. 2.

criminal justice, including drawing on the expertise and contributions of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network. The United Nations standards were a benchmark against which States could gauge the status of their systems and the need for possible reform. They were also a reference framework for criminal justice personnel. As such, they were a prime means of technical cooperation and capacity-building. In that context, he reported that the Foundation had raised awareness among criminal justice officials on criminal justice reform in the region by facilitating training at the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. The Foundation was ready to offer its expertise, in particular in the area of reducing prison overcrowding.

128. The observer for the International League for Human Rights emphasized the role of the Model Agreement on the Transfer of Foreign Prisoners adopted by the Seventh United Nations Congress on Crime Prevention and the Treatment of Offenders in 1985.[75] In the opinion of the League, the Model Agreement required updating if it was to continue to serve as a yardstick for intergovernmental cooperation in the area, taking into account current circumstances, in which the number of foreign prisoners was growing in many countries. The League proposed that, in accordance with Economic and Social Council resolution 1996/31 of 25 July 1996, the matter be assigned by the Commission to a designated group to report back to the Commission at its fourteenth session.

129. The observer for Penal Reform International stressed the problem of prison overcrowding and prison conditions around the world and informed the Commission that the second World Congress against the Death Penalty would be held in Montreal, Canada, from 6 to 9 October 2004, the outcome of which would be brought to the attention of the Eleventh Congress. He was also pleased that the Eleventh Congress would consider the draft charter of basic rights of prisoners, as recommended by all the regional preparatory meetings.

130. The observer for the American Society of Criminology welcomed the draft information-gathering questionnaires and expressed keen interest in further strengthening their use and application, including plans to organize two ancillary meetings under the agenda item entitled "Making standards work: fifty years of standard setting in crime prevention and criminal justice" during the Eleventh Congress. The Society looked forward to a lively debate on the report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, to be submitted to the Commission at its fourteenth session.

131. The observer for Defence for Children International noted that the Committee on the Rights of the Child had reported that States parties were having difficulties in implementing the Convention on the Rights of the Child, as well as related United Nations standards and norms concerning children in conflict with the law, especially children deprived of their liberty. He referred to the Defence for Children International report entitled Kids behind Bars,[76] which had shown that over

[75] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.1, annex I.

[76] S. Meuwese, ed., *Kids behind Bars: a Study on Children in Conflict with the Law: towards*

1 million children were deprived of their liberty worldwide and were held in deplorable conditions in clear violation of international law. He stated that Member States should be encouraged to develop national action plans on juvenile justice that would set targets for reducing the number of children arrested, detained or imprisoned and focusing on data collection and analysis, prevention of juvenile delinquency, promotion of alternatives, including restorative justice, and improving the conditions of children deprived of their liberty.

132. In his concluding remarks, the Director of the Division for Treaty Affairs noted the richness and diversity of the interventions on the agenda item, which had not been given sufficient attention until now. In relation to the Intergovernmental Expert Group Meeting, he noted that its recommendations were the result of a balanced geopolitical representation and contributions, in which all the chairmen of the regional groups had been fully involved, in pursuance of Economic and Social Council resolution 2003/30, in which the Council had requested the Secretary-General to convene, subject to the availability of extrabudgetary funds, an intergovernmental expert group meeting on the basis of adequate and equitable geographical representation. In that connection, he also noted that very little would be achieved if the mandate given to the Secretariat by the Commission was repeatedly changed. Referring to the model treaties, he re-emphasized their utility in the multilateral process of treaty-making, as evidenced by the relevant provisions of the Organized Crime Convention and the Convention against Corruption, as well as in the bilateral treaty-making process. Wherever relevant, the Secretariat made full use of model treaties in the drafting, revision and updating of the manuals on mutual legal assistance and extradition, as contained in conference room papers before the Commission. However, because of their legal nature, which was different from the United Nations standards and norms included under the first category, such model treaties did not lend themselves to an information-gathering exercise of the sort recommended by the Intergovernmental Expert Group Meeting regarding the first category. As for updating some of the model treaties, the Commission might wish to consider that option or recommend even further advancement by considering work on a binding multilateral treaty, for example on the transfer of foreign prisoners, if that was considered necessary.

B. Action taken by the Commission

133. At its 16th meeting, the Commission considered a revised draft resolution entitled "Human security in the context of crime prevention and criminal justice", sponsored by Chile, Ecuador, Japan, Paraguay, Peru and Venezuela (E/CN.15/2004/L.17/Rev.1). The Commission decided to defer consideration of the revised draft resolution contained in annex XVII to a future session. Following that decision, the representative of Japan made a statement in which he noted that the concept of human security advocated by his Government was defined by the Commission on Human Security, which was human-centred and aimed to protect people from critical and pervasive threats to life, livelihood and dignity, and was distinct from the concept of humanitarian intervention. The representative of Cuba and the observers for Brazil and Chile also made statements.

Investing in Prevention, Stopping Incarceration and Meeting International Standards (Amsterdam, Stenco, 2003).

134. Also at its 16th meeting, on 20 May, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "United Nations standards and norms in crime prevention and criminal justice", sponsored by Albania, Algeria, Australia, Burundi, Canada, Croatia, Guatemala, Ireland (on behalf of the States members of the European Union and its candidate and potential candidate States), the Libyan Arab Jamahiriya, Peru, the Syrian Arab Republic, Uganda, Viet Nam and Zimbabwe (E/CN.15/2004/L.9/Rev.1). (For the text, see chapter I, section B, draft resolution V.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex XVI.

135. Also at its 16th meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Protection against trafficking in cultural property", sponsored by Albania, Algeria, Brazil, Colombia, Croatia, Cuba, Ecuador, Egypt, El Salvador, Greece, Guatemala, Hungary, Iran (Islamic Republic of), Italy, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mexico, Nigeria, Pakistan, Paraguay, Peru, the Republic of Korea, Saudi Arabia, Serbia and Montenegro, Slovakia, the Syrian Arab Republic, Turkey, the United Republic of Tanzania, Venezuela, Viet Nam, Yemen and Zimbabwe (E/CN.15/2004/L.19/Rev.1). (For the text, see chapter I, section B, draft resolution XI.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex XVIII.

Chapter VII

Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

136. At its 6th meeting, on 13 May, the Commission on Crime Prevention and Criminal Justice considered agenda item 8, entitled "Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice". The Commission had before it the following documents:

(a) Report of the Secretary-General on the preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (E/CN.15/2004/11);

(b) Discussion guide for the Eleventh Congress (A/CONF.203/PM.1);

(c) Report of the Asian and Pacific Regional Preparatory Meeting for the Eleventh Congress (A/CONF.203/RPM.1/1);

(d) Report of the Latin American and Caribbean Regional Preparatory Meeting for the Eleventh Congress (A/CONF.203/RPM.2/1);

(e) Report of the African Regional Preparatory Meeting for the Eleventh Congress (A/CONF.203/RPM.3/1 and Corr.1);

(f) Report of the Western Asian Regional Preparatory Meeting for the Eleventh Congress (A/CONF.203/RPM.4/1).

137. Following an introductory statement by the Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime, the Commission heard statements by the representative of Algeria (on behalf of the Group of 77 and China), the observers for Angola (on behalf of the Group of African States), Colombia (on behalf of the Group of Latin American and Caribbean States) and Ireland (on behalf of the States members of the European Union and its candidate and potential candidate States), the representatives of Canada, Egypt, Indonesia, the Republic of Korea, Thailand and Uganda and the observer for Australia. Statements were also heard from the following institutes and non-governmental organizations: the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the Asia Crime Prevention Foundation and the International Scientific and Professional Advisory Council.

A. Deliberations

138. In his introductory statement, the Director of the Division for Treaty Affairs thanked Member States, intergovernmental organizations and other entities for their invaluable contributions to the preparations for the Eleventh Congress, which were reflected in the various relevant reports, including those of the four regional preparatory meetings. In stressing the crucial role of the Commission as the preparatory body of the Congress, he reported on consultations with the authorities of the Government of Thailand regarding host country arrangements, in accordance with General Assembly resolution 58/138 of 22 December 2003, and on the outcome of two planning missions. He thanked the Governments of Costa Rica and Lebanon, the Economic Commission for Africa, the Economic and Social Commission for

Asia and the Pacific and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, for hosting and supporting the respective regional preparatory meetings. He stressed the importance of the recommendations made by those meetings, which had identified regional priority concerns in respect of the substantive agenda items before the Congress and possible measures and innovative ideas for addressing them, including proposals for follow-up action. He noted that, owing to their short duration (three days), some regional preparatory meetings had not been able to make recommendations on the workshop topics.

139. Speaking on behalf of the States members of the European Union and its candidate and potential candidate States, the observer for Ireland noted that the United Nations congresses on crime prevention and criminal justice presented important opportunities to exchange views and experience and to identify emerging trends and issues. The European Union welcomed the substantive items before the Eleventh Congress, in the belief that discussions on those items at the global level would be very beneficial. The Congress would also provide a good opportunity to examine the implementation of both the Organized Crime Convention and the Convention against Corruption. The European Union welcomed the selection of the workshop topics and appreciated the preparations made with the assistance of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and a number of Governments. The observer noted with concern that there might be insufficient time for the workshops, owing to the short duration of the Congress and the large number of workshops. As regards possible follow-up measures to be adopted by the Congress, he recalled the provisions of General Assembly resolution 56/119 of 19 December 2001 concerning the policy-making role of the Commission.

140. The observer for Angola (speaking on behalf of the Group of African States) expressed the satisfaction of the Group with the preparations undertaken for the Congress and with the outcome of the African Regional Preparatory Meeting. He noted that the Group had recommended that the African position at the Eleventh Congress be represented by the African Union. The Group welcomed the allocation of resources to enable delegates from least developed countries to participate in the Congress.

141. The observer for Colombia (speaking on behalf of the Group of Latin American and Caribbean States) expressed the gratitude of the Group to the Government of Costa Rica and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders for hosting the Latin American and Caribbean Regional Preparatory Meeting, which had produced an in-depth analysis of the substantive items that would be before the Congress and the workshops and had formulated important recommendations, which should serve as a valuable input for the declaration to be adopted by the Congress. The Group recognized the importance of the issue of urban crime and youth at risk as a workshop topic, whose discussions would contribute to a balanced and integrated approach in combating urban crime and addressing its causes. Special attention should also be devoted by the Congress to the substantive item on economic and financial crime and to the Workshop on Measures to Combat Economic Crime, including Money-laundering, given the negative impact of increased money-laundering in all parts of the world, which constituted a threat to the stability of global financial and commercial markets as well as government structures.

142. The representative of Algeria (speaking on behalf of the Group of 77 and China) expressed appreciation to the Government of Thailand and the United Nations Office on Drugs and Crime for the preparations that had been made and hoped that the results of the regional preparatory meetings would serve as a very useful basis for the deliberations and recommendations of the Congress.

143. The representative of Thailand expressed the host country's appreciation for the spirit of the international community in recognizing the significance of crime prevention and criminal justice and for the efforts and contributions made for the regional preparatory meetings. He welcomed their successful outcome, providing action-oriented recommendations and guidelines for consideration by the Congress. He stressed the appropriateness of the theme of the Congress, "Synergies and responses: strategic alliances in crime prevention and criminal justice", as well as the relevance of the substantive items and the workshop topics. He proposed that the Eleventh Congress pay special attention to developing appropriate policies and measures, including the possibility of negotiating an international legal instrument to counter cybercrime. The representative of Thailand made a video presentation to the Commission on the background, objectives and preparations for the Eleventh Congress.

144. Speakers welcomed the preparations being made for the Congress and endorsed the draft programme of work contained in the report of the Secretary-General. They expressed deep appreciation to the Government of Thailand for its invaluable efforts as the host country for the Congress. Appreciation was also expressed for the important contribution being made by the institutes of the United Nations Crime Prevention and Criminal Justice Programme network.

145. Many speakers stressed the importance of the recommendations made by the regional preparatory meetings, especially concerning the proposals to negotiate international legal instruments to counter cybercrime and on extradition and mutual legal assistance, as well as the need to pay attention to the theft of and trafficking in cultural property. Several speakers also emphasized the significance of the substantive items to be considered at the Eleventh Congress, in particular the item "Making standards work: fifty years of standard-setting in crime prevention and criminal justice". Considering that it was nearly 50 years since the adoption of the Standard Minimum Rules for the Treatment of Prisoners,[77] it might be appropriate for the Congress to conduct an in-depth examination of the issues related to the treatment of prisoners, including female prisoners, in the light of new developments within the criminal justice systems in the various regions of the world.

146. Several speakers suggested that the draft declaration to be adopted by the Congress should be prepared as soon as possible after the conclusion of the current session, through the intersessional meetings of the Commission, taking into account the recommendations made by the regional preparatory meetings. One speaker stressed that the declaration should be comprehensive and action-oriented. Another speaker proposed that it contain a detailed plan of action.

[77] *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.

147. The observer for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders highlighted the importance of the workshops and the useful role that the institutes of the United Nations Crime Prevention and Criminal Justice Programme network had played in preparations for them. He stated that his Institute, together with Sweden, was assisting in the preparations for the Workshop on Measures to Combat Economic Crime, including Money-laundering. He apprised the Commission of the preparatory steps taken by the Institute and the Economic Crimes Bureau of Sweden.

148. The observer for the International Scientific and Professional Advisory Council gave a briefing on the Council's work, in particular relating to the ancillary meetings to be held at the Congress, which presented a unique opportunity for criminal justice professionals, academics and non-governmental organizations to share information on best practices. He stressed the importance of mobilizing the participation of criminal justice professionals at the Congress and of utilizing the opportunity it offered to enhance the fight against crime and terrorism. The observer for Penal Reform International stressed the importance of the substantive item on "Making standards work: fifty years of standard-setting in crime prevention and criminal justice" and called attention to his organization's handbook entitled *Making Standards Work*,[78] which had been widely distributed around the world and translated into more than 25 languages. The Eleventh Congress, which coincided with 50 years of United Nations standard-setting in crime prevention and criminal justice, would be an opportunity to reassess the wealth of existing United Nations standards and norms, as well as to reaffirm adherence to them by all States. He called attention to the Charter of Fundamental Rights of Prisoners, recommended to the Eleventh Congress by the African Regional Preparatory Meeting (A/CONF.203/RPM.3/1 and Corr.1, para. 50) and endorsed by the other three regional meetings. The observer for the Asia Crime Prevention Foundation recalled various initiatives undertaken by the Foundation as contributions to the Congress and expressed deep appreciation to the Government of Thailand for hosting the Eleventh Congress, which would return to the Asian region 35 years after the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had been held in Kyoto, Japan.

B. Action taken by the Commission

149. At its 16th meeting, on 20 May, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice", sponsored by Algeria, Australia, Canada, Croatia, Cuba, Egypt, India, Indonesia, Iran (Islamic Republic of), Japan, Malaysia, Nigeria, Pakistan, the Philippines, the Republic of Korea, Thailand and Turkey (E/CN.15/2004/L.3/Rev.1). (For the text, see chapter I, section A, draft resolution I.) Before the approval of the draft resolution, a representative of the Secretariat made a financial statement, the text of which is contained in annex XIX.

[78] *Making Standards Work: an International Handbook on Good Prison Practice* (London, Penal Reform International, 2001).

Chapter VIII
Strategic management and programme questions

150. At its 6th and 11th meetings, on 13 and 18 May, the Commission considered agenda item 9, entitled "Strategic management and programme questions". The Commission had before it the following documents:

(a) Report of the Secretary-General on the functioning of the Commission on Crime Prevention and Criminal Justice and the management of the United Nations Crime Prevention and Criminal Justice Fund (E/CN.15/2004/14 and Corr.1);

(b) Note by the Secretary-General on the proposed strategic framework for the joint programme on drugs and crime for the biennium 2006-2007 (E/CN.15/2004/13);

(c) Note by the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/2004/15).

151. At the 6th meeting, on 13 May, following an introductory statement by the Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime, statements were made by the representatives of Algeria (speaking on behalf of the Group of 77 and China) and Mexico. At the 11th meeting, on 18 May, statements were made by the observers for Angola (speaking on behalf of the Group of African States) and Ireland (speaking on behalf of the States members of the European Union and its candidate and potential candidate States), the representatives of Austria, Brazil, Canada, Cuba, the Czech Republic, Finland, India, Japan, Mauritania, Peru, the Republic of Korea, the Russian Federation and the United States of America and the observers for Argentina, Chile, the Netherlands, Portugal and the United Arab Emirates.

152. In his introductory statement, the Director of the Division for Treaty Affairs called the attention of the Commission to paragraph 46 of General Assembly resolution 57/270 B of 23 June 2003, in which the Assembly requested each functional commission to examine its methods of work in order to better pursue the implementation of the outcomes of the major United Nations conferences and summits, recognizing that there was no need for a uniform approach since each functional commission had its own specificity. The Commission was requested to report to the Economic and Social Council, no later than 2005, on the outcome of that examination. The Director noted that the role of the Commission as the preparatory body for the United Nations congresses on crime prevention and criminal justice was of particular relevance in that context. He also noted that the mandate under Council resolution 2003/31 of 22 July 2003, entitled "Functioning of the Commission on Crime Prevention and Criminal Justice", coincided with the request of the Assembly. The Commission had very successfully discharged its functions and had served as the central United Nations body providing policy and programme guidance in the field of crime prevention and criminal justice. That was exemplified by its role in the preparation and promotion of a large body of standards and norms, ongoing implementation of the United Nations Crime Prevention and Criminal Justice Programme and the consensus achieved in the negotiation and adoption of the Organized Crime Convention and its Protocols and the Convention against Corruption. The methods of work of the Commission had proved to be very

effective, both for its sessions and during the intersessional period, in particular the thematic debates, intersessional meetings, consultations with permanent missions and the valuable intersessional work of the bureau with the participation of the chairpersons of the regional groups, the Chairman of the Group of 77 and China and the representative of the Presidency of the European Union. He noted that the report of the Secretary-General on the functioning of the Commission (E/CN.15/2004/14 and Corr.1) provided a succinct overview of its methods of work and suggestions for consideration by the Commission. It also provided detailed information regarding the United Nations Crime Prevention and Criminal Justice Fund. In thanking donor countries for the considerably increased contributions to the Fund, he emphasized the need to address the continued disparity between available resources and the significantly expanded mandates and resulting resource requirements.

153. The Director also briefed the Commission on the request by the General Assembly that the Secretary-General submit a strategic framework to replace the four-year medium-term plan. In soliciting the comments of the Commission on the proposed strategic framework for the biennium 2006-2007 for the consolidated programme on drugs and crime (E/CN.15/2004/13), he noted that the proposal reflected the integrated approach to issues relating to drugs and crime followed by the United Nations Office on Drugs and Crime and that that approach had been endorsed by the Member States in numerous consultations undertaken by the Executive Director. The same document had also been reviewed and commented on by the Commission on Narcotic Drugs at its forty-seventh session (E/2004/28, paras. 180 and 109). The views and comments of the Commission on Crime Prevention and Criminal Justice would be submitted to the Committee for Programme and Coordination at its forty-fourth session, together with the proposed strategic framework.

A. Functioning of the Commission on Crime Prevention and Criminal Justice

154. Appreciation was expressed for the valuable information and recommendations provided in the report of the Secretary-General on the functioning of the Commission on Crime Prevention and Criminal Justice (E/CN.15/2004/14 and Corr.1). Many speakers stressed the unique role of the Commission as the central policy-making body of the United Nations in the field of crime prevention and criminal justice. While fully recognizing the importance of and supporting efforts to achieve maximum synergy of efforts with the Commission on Narcotic Drugs and the need to avoid overlap in the work of the two Commissions, especially in areas such as management issues, they emphasized that both Commissions had distinctly different mandates. Therefore, notwithstanding the integrated implementation of the drug and crime programme by the United Nations Office on Drugs and Crime, many speakers stated that they did not support the idea of merging the two Commissions. The view was also expressed that there would be no advantage in holding the meetings of the two Commissions consecutively, owing to the different nature of their subject matters as well as the expertise of their participants. However, one speaker pointed out that, following the integration of the work of the drugs and crime programmes by the Office it did not make sense to support the two

Commissions separately and suggested that, in particular for management issues, the two Commissions should work together.

155. Speakers emphasized the importance of keeping the functioning of the Commission on Crime Prevention and Criminal Justice under constant review in order to ensure that it carried out its work in the most efficient and effective manner possible. Several speakers addressed the issue of the duration of the Commission's sessions, with their statements generally reflecting two main divergent views. Many speakers were of the opinion that the duration of the session should be determined on the basis of substantive contributions and the work to be accomplished. They stated that, hitherto, experience had shown that the Commission had a heavy volume of work that covered critically important priority issues; that sufficient time was necessary to allow for adequate policy debate; and that policy decisions, in terms of negotiating draft resolutions, could not be effectively undertaken in isolation from the policy debate, in particular as the Commission was called upon to react to emerging issues and formulate viable policy options. They considered that the Commission would not be able to accomplish its work programme effectively if its duration of eight working days was shortened. One speaker warned of the negative message that outsiders would draw from reducing the duration in terms of the priority that the international community assigned to crime issues. One speaker noted that shortened sessions would require the creation of subcommittees, which would in turn affect broad participation.

156. Several other speakers, however, were of the view that the duration of the sessions could be reduced without affecting the effectiveness of the Commission on Crime Prevention and Criminal Justice. In their view, that would be possible, in particular, by reducing and streamlining the items on the agenda and the number of draft resolutions to be considered, as well as their submission in advance of the session. One speaker suggested that it would be a useful experiment to compress the work of that Commission into fewer days, as had been done for the Commission on Narcotic Drugs. In that regard, divergent opinions were expressed on the experience of the shortened session of the latter Commission. Many speakers also called for greater restraint by Member States in requesting reports for the Commission on Crime Prevention and Criminal Justice.

157. Many speakers emphasized the importance of adhering to the Commission's earlier resolutions calling for the submission of proposals one month prior to the commencement of its sessions. That was necessary in particular to facilitate adequate expert consultations in capitals. Other speakers noted that, at the same time, it was also necessary to provide for adequate flexibility regarding deadlines for submission of proposals so as to allow the policy debate to be reflected in the draft resolutions. Some speakers noted that opportunities for further streamlining of the work of the Commission would arise when the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption commenced their work, which could also have an impact on the duration of the Commission's sessions.

158. Several speakers supported the holding of a shortened fourteenth session of the Commission immediately following the conclusion of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice in Bangkok, devoted to consideration of the outcome of the Congress. Several other speakers considered

that it would be more effective to hold that session some time after the conclusion of the Congress, based on the experience of holding the ninth session of the Commission immediately following the Tenth Crime Congress.

159. Speakers emphasized the value of holding focused thematic discussions during the sessions of the Commission. Suggestions for themes included the following:

(a) Results of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (for the fourteenth session of the Commission);

(b) Domestic violence;

(c) Globalization and economic crime (pursuant to the related agenda item and workshop at the Eleventh Congress);

(d) Transnational organized crime and terrorism: links, concepts and international response (for the fifteenth session of the Commission);

(e) Maximizing the effectiveness of technical assistance to Member States in crime prevention and criminal justice (for the fifteenth session of the Commission).

160. One speaker noted that the past practice of the Commission of identifying the issues for the thematic discussion two years in advance would be altered by the convening of the Eleventh Congress. He hoped that the Commission would revert to the practice at future sessions.

161. Many speakers supported the holding of expert panels, which they stated provided invaluable assistance to the Commission in identifying policy issues and options, as well as in reviewing successful national experience. Whereas the panels should reflect adequate geographical representation and different legal systems, the emphasis should be on quality and their selection would be best carried out by the Secretariat. Some speakers felt that excessive importance was being attached to expert discussions and that they tended to overshadow the policy role of the Commission. Some speakers expressed concern at the increasing number of expert group meetings mandated by the Commission and noted the need to establish priorities in that respect in order to avoid proliferation. Other speakers highlighted the value of expert group meetings when effectively conducted by the Secretariat, in particular to examine issues from the technical perspective, thereby preparing the groundwork for policy decisions by the Commission. Several speakers also emphasized the importance of ensuring the timely availability of documents in all official languages of the United Nations.

162. In welcoming the increased transparency and dialogue with Member States and expressing appreciation for the information provided in bilateral consultations, one speaker noted that the United Nations Office on Drugs and Crime needed to ensure that matters relating to the management and use of the United Nations Crime Prevention and Criminal Justice Fund were also transparent. The speaker also requested the Office to provide satisfactory answers to the remaining questions raised regarding the fund balance of the Fund.

B. Programme questions: strategic framework

163. Many speakers welcomed the overall orientation, objectives and strategies set out in the proposed strategic framework for the consolidated programme on drugs and crime, which were in line with the integrated approach and the new organizational structure of the United Nations Office on Drugs and Crime and should lead to better service delivery and management of resources. Appreciation was expressed for the integration of the relevant Millennium Declaration Goals into the proposed strategic framework, as well as for the emphasis on promoting human dignity and security, in particular through the promotion of the ratification and implementation of the conventions on drugs, crime and terrorism. The Office was commended for its unique role in supporting Governments in the field of treaty implementation and was called upon to continue to focus its work in that area of comparative advantage.

164. Some speakers noted that the omission of terrorism from subprogrammes 1 and 3 of the strategic framework needed to be remedied. It was also important to ensure adequate expertise in that area of work, especially as the Terrorism Prevention Branch of the Office had become a partner of the Counter-Terrorism Committee of the Security Council in providing technical assistance to Member States and promoting the implementation of the international instruments on terrorism. With the reorganization of the Counter-Terrorism Committee and with an increase in the number of ratifications of the conventions, the United Nations Office on Drugs and Crime would be called upon to provide assistance also in capacity-building, in close coordination with and to complement the work of the Committee. It was proposed to include in the strategic framework a fourth subprogramme, entitled "Counter-terrorism assistance", with specific objectives, strategies, expected accomplishments and indicators. That would also enable the Commission to monitor better the effectiveness of the work of the Office in counter-terrorism against specific and predetermined outcomes and indicators. A number of speakers expressed support for the proposal.

165. Several speakers noted that each of the subprogrammes of the strategic framework needed to be modified to include elements concerning criminal justice reform and technical assistance in relation to the use and application of United Nations standards and norms in crime prevention and criminal justice. The strategic framework, as proposed, presupposed increased national institutional capacities, which required the effective application of standards and norms. That needed to be supported through effective research, analysis and technical assistance. In that connection, some speakers expressed reservations on the proposed strategic framework, noting that it lacked a balanced approach with respect to issues of immediate priority, such as transnational crime and corruption, and general criminal justice problems, such as crime prevention and implementation of standards and norms. Achieving justice and social peace was as important as fighting organized crime. Other speakers noted that, unlike the previous medium-term plans, the strategic framework did not provide a listing of relevant mandates. The relevance of submitting to the Commission on Crime Prevention and Criminal Justice items on drugs that did not fall within its mandate was also questioned.

166. Several speakers noted that, in some instances, the indicators of achievement could have been developed in a more specific manner. Some speakers called for

greater emphasis on the specific contribution to be made by the United Nations Office on Drugs and Crime, both under the indicators and under the expected accomplishments. Several speakers made specific comments on a number of elements of the proposed strategic framework. They felt that the overall orientation should include a reference to the Vienna Declaration on Crime and Justice and the related plans of action. Subprogramme 1 required greater coverage of crime and terrorism issues and should promote greater awareness of the related conventions and relevant United Nations standards and norms among policy makers and the public, especially through publications. Under subprogramme 2, the strategy should specify that training services were to be undertaken at the request of Member States. Two additional indicators of achievement were suggested under accomplishment (a): the percentage of reports made available to the Commission in all official languages within the specified time limits; and an increase in the number of intergovernmental meetings serviced by the Secretariat. One new indicator of achievement was suggested under accomplishment (c): increased judicial cooperation among States, in particular in extradition and mutual legal assistance, as evidenced through the number of States entering into related agreements. One speaker enquired about the methodology to be used in connection with indicator of achievement (a) (i) for subprogramme 2. For subprogramme 3, the objective should include a specific reference to crime in general, as included in the objective for subprogramme 1. Greater emphasis was necessary on evaluation and management issues under the indicators of achievement, instead of the proposed emphasis on an increase in the number of countries.

167. Some speakers expressed concern regarding the use of "human security" as a concept in the proposed strategic framework and about the establishment in the United Nations Office on Drugs and Crime of a human security branch, as there was no consensus on the concept itself, which had not been endorsed by the General Assembly. In that connection, some other speakers pointed out that extensive consultations had been undertaken by the Office on its restructuring. The organization chart, including the names of the divisions and branches, had been approved by Member States.

168. In responding to the statements and comments made by delegations, the Director of the Division for Treaty Affairs thanked donor countries for the increased level of contributions made to the United Nations Crime Prevention and Criminal Justice Fund and noted that full transparency of the Fund's operations would be ensured through the application of the Programme and Financial Information Management System (ProFi). He also noted that the balance of resources of the Fund consisted mostly of earmarked pledges and contributions for projects under implementation.

C. Election of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

169. At its 10th meeting, on 17 May, the Commission unanimously recommended for appointment to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute the following candidates: Ann-Marie Begler (Sweden) and Elizabeth G. Verville (United States of America).

D. Action taken by the Commission

170. At its 16th meeting, on 20 May, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "Assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of the Conferences of States parties", sponsored by Algeria, Cuba, Egypt, Ethiopia, France, India, the Libyan Arab Jamahiriya, Mozambique, Pakistan, Tunisia, Uganda and Yemen (E/CN.15/2004/L.5/Rev.1). (For the text, see chapter I, section A, draft resolution II.)

Chapter IX

Provisional agenda for the fourteenth session of the Commission

171. At its 14th and 15th meetings, on 19 and 20 May, the Commission on Crime Prevention and Criminal Justice considered the provisional agenda for its fourteenth session. It had before it a draft decision entitled "Report of the Commission on Crime Prevention and Criminal Justice on its thirteenth session and provisional agenda and documentation for its fourteenth session" (E/CN.15/2003/L.1/Add.8/Rev.1).

Action taken by the Commission

172. At its 15th meeting, on 20 May, following introductory remarks by the Chairman of the Commission and a general discussion of the draft provisional agenda for its fourteenth session, the Commission approved the draft decision for adoption by the Economic and Social Council. (For the text, see chapter I, section C, draft decision I.) The observer for Ireland (speaking on behalf of the States members of the European Union and its candidate and potential candidate States) stated that the European Union expressed the strong view that the fact that the fourteenth session of the Commission should consider the report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty should be included in the annotated agenda of that session.

Chapter X

Adoption of the report of the Commission on its thirteenth session

173. At its 16th meeting, on 20 May, the Commission adopted by consensus the report on its thirteenth session (E/CN.15/2004/L.1 and Add.1-9), as orally amended.

Chapter XI
Organization of the session

A. Opening and duration of the session

174. The Commission on Crime Prevention and Criminal Justice held its thirteenth session in Vienna from 11 to 20 May 2004. The Commission held 16 plenary meetings and 12 meetings of the Committee of the Whole. The thirteenth session of the Commission was opened by the Chairman. The representative of Algeria (speaking on behalf of the Group of 77 and China), the observer for Angola (speaking on behalf of the Group of African States), the observer for Colombia (speaking on behalf of the Group of Latin American and Caribbean States), the observer for Ireland (speaking on behalf of the States members of the European Union and its candidate and potential candidate States), the Executive Director of the United Nations Office on Drugs and Crime, the Minister of Justice of Croatia, the Deputy Minister of Justice of China and the observer for Zimbabwe addressed the Commission at the opening session.

B. Attendance

175. The thirteenth session was of the Commission was attended by representatives of 35 States members of the Commission. Also attending were observers for 78 other States Members of the United Nations, 1 non-member State, organizations of the United Nations system, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, 14 intergovernmental organizations and 36 non-governmental organizations. A list of participants is contained in annex I to the present report.

C. Election of officers

176. The Chairman of the Commission recalled that in its resolution 2003/31 of 22 July 2003, entitled "Functioning of the Commission on Crime Prevention and Criminal Justice", the Economic and Social Council had decided that, with effect from 2004, the Commission should, at the end of its session, elect its bureau for the subsequent session and encourage it to play an active role in the preparation of the regular as well as the informal intersessional meetings of the Commission. The Chairman recalled that, at its twelfth session, the Commission had agreed that the bureau for that session would also serve as the bureau for its thirteenth session, with full respect for the rotation of officers. As a result of elections to the membership of the Commission, the Chairman, one Vice-Chairman and the Rapporteur of the twelfth session were replaced. The officers for the thirteenth session of the Commission were as follows:

Chairman:	Pavel Vacek (Czech Republic)
Vice-Chairmen:	Oscar Cabello Sarubbi (Paraguay) Thomas Stelzer (Austria) T. P. Sreenivasan (India)
Rapporteur:	Ajebe Ligaba Wolde (Ethiopia)

177. The Commission unanimously approved the officers constituting the bureau for its thirteenth session, which met several times during the session to consider matters relating to the organization of work. A group composed of the chairmen of the five regional groups (the representative of Italy and observers for Angola, Colombia, Jordan and Poland), as well as the representative of Algeria (on behalf of the Group of 77 and China) and the observer for Ireland (on behalf of the States members of the European Union and its candidate and potential candidate States), was established to assist the Chairman of the Commission in dealing with organizational matters. That group, together with the elected officers, constituted the extended bureau foreseen in Economic and Social Council resolution 2003/31.

D. Adoption of the agenda and organization of work

178. At its 1st meeting, on 11 May, the Commission adopted by consensus its provisional agenda, the annotations thereto and its proposed organization of work (E/CN.15/2004/1/Rev.1 and Corr.1), which had been approved by the Economic and Social Council in its decision 2003/233 of 22 July 2003 and finalized during meetings of the extended bureau and intersessional meetings of the Commission. The agenda was as follows:

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Thematic discussion on the rule of law and development: the contribution of operational activities in crime prevention and criminal justice:
   (a) International cooperation in criminal justice to strengthen the rule of law, including combating corruption and new types of crime in order to enhance growth and sustainable development;
   (b) Strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction.
4. Work of the United Nations Office on Drugs and Crime.
5. International cooperation in combating transnational crime:
   (a) United Nations Convention against Transnational Organized Crime and the Protocols thereto;
   (b) United Nations Convention against Corruption;

(c) International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance for the victims.

6. Strengthening international cooperation and technical assistance in preventing and combating terrorism.

Senior-level discussion on progress made with regard to the criminal justice aspects of terrorism and international cooperation and to the universal conventions and protocols related to terrorism.

7. Use and application of United Nations standards and norms in crime prevention and criminal justice.

8. Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice.

9. Strategic management and programme questions:

(a) Functioning of the Commission on Crime Prevention and Criminal Justice;

(b) Programme questions;

(c) Election of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

10. Provisional agenda for the fourteenth session of the Commission.

11. Adoption of the report of the Commission on its thirteenth session.

E. Documentation

179. The documents before the Commission at its thirteenth session are listed in annex XX to the present report.

F. Closure of the thirteenth session

180. Closing statements were made by the Executive Director of the United Nations Office on Drugs and Crime and the Chairman of the Commission.

Annex I

Attendance

Members*

Algeria	Taous Feroukhi, Nabil Hattali, Said Zerrouki, Abdelkader Sahraoui, Kamel Boughaba, Thouraya Benmokrane, Farid Bencheikh
Austria	Christian Berlakovits, Thomas Stelzer, Johann Fröhlich, Wolfgang Spadinger, Michael Postl, Roland Miklau, Christian Manquet, Irene Gartner, Ulrike Kathrein, Johann Haller, Philipp Charwath, Katharina Swirak
Brazil	Eduardo da Costa Farias, Maria Luiza Ribeiro Lopes da Silva, Maria Feliciana Ortigão, Renato de Alencar Lima, Wannine Lima
Burundi	Gérard Havyarimana
Canada	Lucie Angers, Matt Friesen, Mary-Anne Kirvan, Christopher Ram, D. S. Proudfoot, Yves Beaulieu
China	Aiying Wu, Qun Wang, Chun Du, Qiuzhen Wu, Xiaoliu Liu, Shuwen Yang, Ming Zhang, Yi Zhang, Chaoqun Li, Lixiao Tian, Xiaofeng Guo, Xiaojun Pu
Croatia	Vesna Škare Ožbolt, Vladimir Matek, Željko Horvatić, Ljiljana Vodopija Čengić, Dubravko Palijaš, Bojana Pejkić, Tihomir Kralj, Ranko Vilović, Vesna Vuković, Natali Lulić Grozdanoski
Cuba	Urbano Pedraza Linares, José Ramón Cabañas, René Quirós Pírez, Jorge A. Ferrer Rodriguez
Czech Republic	Pavel Vacek, Radim Bureš, Hana Šnajdrová, Oldrich Krulík, Milan Vybulka, Jaroslav Štěpánek
Egypt	Ramzy Ezzeldin Ramzy, Iskander Khattas, Essam Ramadan, Abdel Wahab Bekir, Hassan H. Mahmoud El-Laithy, Reham Amin
El Salvador	Silvia Aguilar Zepeda, Mario Castro Grande, Romeo Benjamín Barahona Meléndez
Ethiopia	Halima Mohammed, Ajebe Ligaba Wolde
Finland	Tom Grönberg, Matti Joutsen, Aarne Kinnunen, Kaarle J. Lehmus, Pia Raassina, Tarja Kangaskorte
Gambia	Abou Njai
India	T. P. Sreenivasan, L. C. Goyal, R. N. Gupta, Hamid Ali Rao, Hemant Karkare

* Botswana, the Central African Republic, the Comoros, Nicaragua and Zambia were not represented at the session.

Indonesia	T. A. Samodra Sriwidjaja, Romli Atmasasmita, Rhousdy Soeriaatmadja, Immanuel Robert Inkiriwang, Zulkarnain Sitompul, Boy Salamudin, Simson Ginting, Damos Dumoli Agusman, Haris Nugroho, Dian Kusumaningsih, Hari Sugeng Rahardjo, Andhika Chrisnayudhanto, T. S. Kesumawati
Iran (Islamic Republic of)	Pirooz Hosseini, Mahmoud Khani Jooyabad, Esmaeil Baghaee Hamaneh
Italy	Gabriele de Ceglie, Alessandro Azzoni, Stefano Dambruoso, Antonio Morabito, Vittorio Benedetto Borghini, Alessandro Pioletti
Jamaica	Charles Scarlet, Karl Hamilton
Japan	Yuki Furuta, Yukio Takasu, Michiaki Ozaki, Seiji Morimoto, Kunihiko Sakai, Keisuke Senta, Tomihito Imamaura, Taro Higashiyama, Isao Shimamura, Kenichi Nishikata, Satoko Toku
Mauritania	Nemine Ould Mohamed Mahmoud
Mexico	Patricia Espinosa Cantellano, Eduardo Peña Haller, Luis Javier Campuzano, Julián Juárez Cadenas, Agustín de Pavia Iturralde
Nigeria	M. O. Laose, Lawal Shuaibu, Farouk Adam, Nuhu Ribadu, Carol Ndaguba, Olawale Idris Malyegun, Chile Okoroma, U. S. Haruna, Rilwan Lukman
Pakistan	Ali Sarwar Naqvi, Sajid Bilal, Mohammad Kamran Akhtar, Ishtiak Ahmed Akil
Paraguay	Oscar Cabello Sarubbi, Gustavo López Bello, Luis Conrado Benítez Rodríguez
Peru	Javier Paulinich, Carmen Azurin
Republic of Korea	Chang-beom Cho, Jong-baek Lee, Chong-hoon Kim, Hong-woo Park, Sang-chul Lee, Kyung-shik Shin, Jeong-hoon Kwon, Yeon-jean Yoon, Joon-oh Jang, Beom-youn Won, Ah-reum Cho
Russian Federation	Ilya I. Rogachev, Mikhail I. Kalinin, Victor V. Milchenko, Sergey P. Bulavin, Valery A. Grobovoy, Sergey V. Vasiliev, Nikolay Y. Shokov, Alexander V. Dashko, Andrey V. Koriyagin, Alexander V. Zhironkin, Galina N. Turbanova, Dmitry R. Okhotnikov, Alexander A. Borisov, Sergey V. Zemskiy, Irina V. Silkina, Svetlana A. Kopeykina
Saudi Arabia	Abdullah Abdulaziz Al Yousef, Omar Mohamed Kurdi, Mohsin Abdulrahman Al Yami, Mutlaq Saleh Al Dabjan, Abdulaziz Abdulrahman Alsalem, Saleh Abdullah Al Ghamedi, Hamad Sulaiman Al-Natheer, Mohammed Nasser Al Owlah, Abdulhameed Abdulaziz Alghaleqah, Saud Al-Mutlaq
Thailand	Kampree Kaocharern, Sirisak Tiyapan, Piyatida Jermhansa, Amnart Netayasupha, Santanee Ditsayabut, Sunisa Sathapornsermsuk, Tongthong Chandransu, Wisit Wisitsora-At, Vitaya Suriyawong, Kwanchai Pongernnak, Nuntarath Tepdolchai, Assanee Sangkhanate, Rongvudhi Virabutr, Pimwadee Sovaratanapong, Suda Jittarat, Sakchai Pattarapreechakul

Turkey	Aydin Sahinbas, Ahmet Arda, Namik Erpul, Tufan Höbek, Sadin Ayyildiz
Uganda	Johnson O. R. Byabashaija
Ukraine	Petro Pylypchuk, Volodymyr Ohrysko, Oleksandr Novosolov, Volodymyr Krokhmal, Yevhen Skulysh, Borys Indychenko, Volodymyr Omelyan
United Kingdom of Great Britain and Northern Ireland	Peter Jenkins, Peter Storr, Linda Ward, Alison Crocket, Rebecca Hunter, Sarah Dring, Richard Whitehead
United States of America	Kenneth Brill, Elizabeth G. Verville, Stephen Noble, Thomas Burrows, Kenneth Harris, Jay Albanese, John Brandolino, Barbara Esser, Scott Harris, Patrick Harvey, Marvene O. Rourke, Virginia P. Prugh, Howard Soloman, C. Scott Thompson, James Vigil, Linda Samuel

States Members of the United Nations represented by observers

Afghanistan, Albania, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Azerbaijan, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cameroon, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, Ecuador, Estonia, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Iraq, Ireland, Israel, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Romania, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Tunisia, United Arab Emirates, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe

Non-member States represented by observers

Holy See

Entities represented by observers

Palestine

United Nations Secretariat

Office of Legal Affairs, United Nations Office on Drugs and Crime

United Nations programmes and research institutes

Joint United Nations Programme on HIV/AIDS, Office of the United Nations High Commissioner for Human Rights, United Nations Human Settlements Programme, United Nations Interregional Crime and Justice Research Institute

Affiliated regional institutes and associated institutes

Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control, affiliated with the United Nations, African Institute for the Prevention of Crime and the Treatment of Offenders, International Centre for Criminal Law Reform and Criminal Justice Policy, International Institute of Higher Studies in Criminal Sciences, International Centre for the Prevention of Crime, International Scientific and Professional Advisory Council, Institute for Security Studies, Naif Arab University for Security Sciences

United Nations committee represented by an observer

Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Specialized agencies and other organizations in the United Nations system

International Monetary Fund, United Nations Educational, Scientific and Cultural Organization, United Nations Industrial Development Organization

Intergovernmental organizations represented by observers

African Union, Commonwealth Secretariat, Council of Arab Ministers of the Interior, Council of the European Union, European Community, International Centre for Migration Policy Development, International Federation of Red Cross and Red Crescent Societies, International Organization for Migration, League of Arab States, Offshore Group of Banking Supervisors, Organization for Security and Cooperation in Europe, Organization for the Prohibition of Chemical Weapons, Southern African Development Community, Sovereign Military Order of Malta

Non-governmental organizations

General consultative status: Asia Crime Prevention Foundation, Friends World Committee for Consultation, International Alliance of Women, International Council of Women, International Federation of Business and Professional Women, Soroptimist International, World Federation of United Nations Associations, Zonta International

Special consultative status: Academy of Criminal Justice Sciences, American Society of Criminology, Amnesty International, Centro Nazionale di Prevenzione e Difesa Sociale, Defence for Children International, Europe 2000, Howard League for Penal Reform, Institute for Policy Studies (Transnational), International Association against Drug Abuse and Drug Trafficking, International Association of Prosecutors, International Bureau for Children's Rights, International Commission of Catholic Prison Pastoral Care, International Council of Psychologists,

International Council on Alcohol and Addiction, International Federation of University Women, International Real Estate Federation, International Society for Criminology, International Society of Social Defense, Italian Centre of Solidarity, Japan Federation of Bar Associations, National Council of German Women's Organizations, Pan Pacific and South-East Asia Women's Association of Thailand, Pax Romana, Penal Reform International, Salvation Army, Socialist International Women, World Society of Victimology

Roster: International Police Association

Annex II

Financial statement on the revised draft resolution on the rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction*

1. In operative paragraph 1 of the revised draft resolution, the Economic and Social Council would request the United Nations Office on Drugs and Crime, in coordination with the Department of Peacekeeping Operations of the Secretariat and other relevant entities charged with providing assistance to countries in post-conflict situations, to consider specific practical strategies to assist in promoting the rule of law, especially in countries emerging from conflict, subject to the availability of extrabudgetary resources.

2. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.4/Rev.1, see chapter I, section B, draft resolution II. For the discussion, see chapter II, section C.

Annex III

Financial statement on the revised draft resolution on the implementation of technical assistance projects in Africa by the United Nations Office on Drugs and Crime*

1. In operative paragraphs 4 and 5 of the revised draft resolution, the Economic and Social Council would request the United Nations Office on Drugs and Crime to produce a concept paper to analyse the current situation with respect to major drugs and crime issues affecting the African continent and to propose policy directives, strategies and priority focus to gain support for assistance to Africa; and request the Office, subject to the availability of extrabudgetary resources, to promote an exchange of views, based on the results of the concept paper, by organizing an appropriate special event among interested Member States, relevant agencies and institutes providing technical assistance to Africa, as well as those promoting South-South cooperation.

2. The full cost of the activities envisaged under the above paragraphs cannot be reasonably determined at the present stage and is subject to further identification of specific requirements. A preliminary estimate of the cost for the development of the concept paper and related activities, not including the full activities envisaged under paragraph 5 of the revised draft resolution, would amount to approximately $100,000.

3. It is envisaged that the implementation of the above activities, if the draft resolution is adopted, for which no provisions have been included in the approved programme budget for the biennium 2004-2005, would be funded from extrabudgetary resources.

4. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.16/Rev.1, see chapter I, section B, draft resolution IX. For the discussion, see chapter III, section B.

Annex IV

Financial statement on the revised draft resolution on strengthening the technical cooperation capacity of the Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime*

1. In operative paragraph 8 of the revised draft resolution, the Economic and Social Council would request the Secretary-General to enhance further the resources available within the existing overall budgetary framework of the United Nations for the operational activities and, in particular, the interregional advisory services of the United Nations Office on Drugs and Crime under section 23, Regular programme of technical cooperation (A/58/6 (Sect. 23)),** of the regular budget of the United Nations.

2. In that connection, it is to be recalled that, for the biennium 2004-2005, at its fifty-eighth session, the General Assembly approved $949,300 under section 23, Regular programme of technical cooperation (A/58/6 (Sect. 23))** for technical cooperation activities related to crime prevention and criminal justice.

3. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

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* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.18/Rev.1, see chapter I, section B, draft resolution X. For the discussion, see chapter III, section B.

** The approved programme budget will subsequently be issued in final form as *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 6* (A/58/6/Rev.1).

Annex V

Financial statement on the revised draft resolution on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims*

1. In operative paragraphs 7 and 8 of the revised draft resolution, the General Assembly would request the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to prepare a handbook for use by competent authorities of proven and promising practices in the fight against kidnapping; and request the Office, subject to the availability of extrabudgetary resources, to provide technical assistance to States, upon request, to enable them to strengthen their capacity to combat kidnapping.

2. The full cost of the activities envisaged under the above paragraphs cannot be reasonably estimated at the present stage and is subject to further identification of specific requirements. A preliminary estimation indicates that the cost of publishing a handbook, requiring consultancy service, the holding of an expert group meeting and publication costs, would amount to $69,000.

3. It is envisaged that the implementation of the above activities would be funded from extrabudgetary resources.

4. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.11/Rev.1, see chapter I, section A, draft resolution IV. For the discussion, see chapter IV, section B.

Annex VI

Financial statement on the revised draft resolution on action against corruption: assistance to States in capacity-building with a view to facilitating entry into force and subsequent implementation of the United Nations Convention against Corruption*

1. In operative paragraph 4 of the revised draft resolution, the General Assembly would request the Secretary-General to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the entry into force and implementation of the United Nations Convention against Corruption, inter alia through the provision of assistance to developing countries and countries with economies in transition for building capacity in the areas covered by the Convention.

2. It will be recalled that, at its fifty-eighth session, the General Assembly appropriated an amount of $9,392,800 under section 16, Crime prevention and criminal justice, for the biennium 2004-2005, which included provisions for activities promoting the entry into force and implementation of the United Nations Convention against Corruption.

3. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.12/Rev.1, see chapter I, section A, draft resolution V. For the discussion, see chapter IV, section B.

Annex VII

Financial statement on the revised draft resolution on preventing, combating and punishing trafficking in human organs*

1. In operative paragraph 4 of the revised draft resolution, the General Assembly would request the Secretary-General, in collaboration with the States and organizations concerned, to prepare a study on the phenomenon of trafficking in human organs for submission to the Commission on Crime Prevention and Criminal Justice at its fifteenth session.

2. A preliminary estimate of the activities envisaged under that paragraph would amount to approximately $47,500.

3. It is envisaged that the implementation of the activities of the revised draft resolution, if adopted, for which no provisions have been included in the approved programme budget for the biennium 2004-2005, would be funded from extrabudgetary resources.

4. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.13/Rev.1, see chapter I, section A, draft resolution VI. For the discussion, see chapter IV, section B.

Annex VIII

Financial statement on the revised draft resolution on international cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*

1. In operative paragraphs 7 and 8 of the revised draft resolution, the General Assembly would request the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and to discharge its functions as the secretariat of the Conference of the Parties in accordance with its mandate; and request the Office to continue to assist States, upon request, with capacity-building in the area of international cooperation in criminal matters, in particular extradition and mutual legal assistance.

2. It will be recalled that, at its fifty-eighth session, the General Assembly appropriated an amount of $9,392,800 under section 16, Crime prevention and criminal justice, for the biennium 2004-2005, which included resources required for the United Nations Office on Drugs and Crime to promote the implementation of the Convention and the Protocols thereto and to discharge its functions as the secretariat of the Conference of the Parties.

3. It will also be recalled that, at its fifty-eighth session, the Assembly approved $949,300 for the biennium 2004-2005, under section 23, Regular programme for technical cooperation (A/58/6 (Sect. 23)), for technical cooperation activities related to crime prevention and criminal justice.

4. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.20/Rev.1, see chapter I, section A, draft resolution VII. For the discussion, see chapter IV, section B.

Annex IX

Financial statement on the revised draft resolution on the establishment of an intergovernmental expert group to prepare a draft model bilateral agreement on disposal of confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988*

1. In operative paragraph 1 of the revised draft resolution, the Economic and Social Council would request the Secretary-General to convene, subject to the availability of extrabudgetary resources, an open-ended intergovernmental expert group, the composition of which should reflect an equitable geographical representation and a diversity of legal systems, to prepare a draft model bilateral agreement on sharing confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

2. The full cost of the activities envisaged under operative paragraph 1 of the revised draft resolution is difficult to estimate with precision owing to the open-endedness of the expert group meeting and is subject to further identification of specific activities and requirements. An indicative cost of an expert group meeting of 20 experts, representing four countries from each region, to be held in Vienna for a one-week duration, would amount to approximately $90,000.

3. It is envisaged that the implementation of the activities of the revised draft resolution, if adopted, for which no provisions have been included in the approved programme budget for the biennium 2004-2005, would be funded from extrabudgetary resources.

4. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.2/Rev.1, see chapter I, section B, draft resolution I. For the discussion, see chapter IV, section B.

Annex X

Financial statement on the revised draft resolution on international cooperation in the prevention, investigation, prosecution and punishment of fraud, the criminal misuse and falsification of identity and related crimes*

1. In operative paragraph 4 of the revised draft resolution, the Economic and Social Council would request the Secretary-General to convene, in consultation with regional groups and subject to the availability of extrabudgetary resources, an intergovernmental expert group, with representation based on the regional composition of the Commission on Crime Prevention and Criminal Justice and reflecting the diversity of legal systems and open to any Member State wishing to participate as an observer to prepare a study on fraud and the criminal misuse and falsification of identity.

2. The full cost of the activities envisaged under operative paragraph 4 of the revised draft resolution can only be estimated upon further identification of specific activities and requirements. An indicative cost of an expert group meeting of 20 experts, representing four countries from each region, to be held in Vienna for a one-week duration, would amount to approximately $90,000.

3. It is envisaged that the implementation of the activities of the revised draft resolution, if adopted, for which no provisions have been included in the approved programme budget for the biennium 2004-2005, would be funded from extrabudgetary resources.

4. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.6/Rev.1, see chapter I, section B, draft resolution III. For the discussion, see chapter IV, section B.

Annex XI

Financial statement on the revised draft resolution on guidelines on justice for child victims and witnesses of crime*

1. In operative paragraph 1 of the revised draft resolution, the Economic and Social Council would request the Secretary-General to convene an intergovernmental expert group with representation based on the regional composition of the Commission on Crime Prevention and Criminal Justice and open to any Member State wishing to participate as an observer, subject to the availability of extrabudgetary resources, in order to develop guidelines on justice in matters involving child victims and witnesses of crime.

2. The full cost of the activities envisaged under operative paragraph 1 can only be estimated upon further identification of specific activities and requirements. An indicative cost of an expert group meeting of 20 experts, representing four countries from each region, to be held in Vienna for a one-week duration, would amount to approximately $90,000.

3. It is envisaged that the implementation of the activities of the revised draft resolution, if adopted, for which no provisions have been included in the approved programme budget for the biennium 2004-2005, would be funded from extrabudgetary resources.

4. The attention of the Commission is drawn to the provisions of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.7/Rev.1, see chapter I, section B, draft resolution IV. For the discussion, see chapter IV, section B.

Annex XII

Financial statement on the revised draft resolution on strengthening international cooperation and technical assistance in combating money-laundering*

1. In operative paragraph 4 of the revised draft resolution, the Economic and Social Council would request the United Nations Office on Drugs and Crime to continue its work against money-laundering, subject to the availability of extrabudgetary resources and in cooperation with relevant regional and international organizations participating in activities designed to give effect to applicable international instruments and relevant standards for combating money-laundering, through the provision to Member States, upon request, of training, advisory assistance and long-term technical assistance, bearing in mind, inter alia, the Forty Recommendations and eight Special Recommendations on Terrorist Financing of the Financial Action Task Force on Money Laundering and the work of similar regional bodies.

2. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.10/Rev.1, see chapter I, section B, draft resolution VI. For the discussion, see chapter IV, section B.

Annex XIII

Financial statement on the revised draft resolution on the Second World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice*

1. In operative paragraph 2 of the revised draft resolution, the Economic and Social Council would request the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to assist the Government of Qatar in the preparation and substantive servicing of the Second World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice.

2. The full cost of the activities envisaged under operative paragraph 2 cannot be reasonably estimated at the present stage. It is envisaged that the implementation of the activities of the revised draft resolution, if adopted, for which no provisions have been included in the approved programme budget for the biennium 2004-2005, would be funded from extrabudgetary resources.

3. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.14/Rev.1, see chapter I, section B, draft resolution VII. For the discussion, see chapter IV, section B.

Annex XIV

Financial statement on the revised draft resolution on prevention of urban crime*

1. In operative paragraph 7 of the revised draft resolution, the Economic and Social Council would request the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to provide technical assistance to States, upon request, in collaboration with other relevant entities in the area of urban crime prevention.

2. It will be recalled that, at its fifty-eighth session, the General Assembly approved $949,300 for the biennium 2004-2005, under section 23, Regular programme of technical cooperation (A/58/6 (Sect. 23)), for technical cooperation activities related to crime prevention and criminal justice.

3. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.15/Rev.1, see chapter I, section B, draft resolution VIII. For the discussion, see chapter IV, section B.

Annex XV

Financial statement on the revised draft resolution on strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime*

1. In operative paragraphs 3, 5, 6, 10, 14 and 15 of the revised draft resolution, the General Assembly would encourage the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, in coordination with the Counter-Terrorism Committee and subject to the availability of extrabudgetary resources, to ensure proper follow-up to the workshops held to familiarize national experts and criminal justice officials with the requirements of Security Council resolution 1373 (2001) of 28 September 2001 and the requirements for becoming parties to and implementing the universal conventions and protocols related to terrorism and international cooperation agreements, in cases where such follow-up was indicated by the participating States; request the Secretariat, subject to the availability of extrabudgetary resources, to develop the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols* further as a tool for the provision of technical assistance aimed at the implementation of the universal conventions and protocols related to terrorism; request the Secretariat to submit the guidelines for technical assistance formulated and reviewed during an expert group meeting held in Cape Town, South Africa, to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice; request the Office, subject to the availability of extrabudgetary resources, to intensify its efforts to provide technical assistance, upon request, in preventing and combating terrorism through the implementation of the universal conventions and protocols related to terrorism; recognize the need for the Office, subject to the availability of extrabudgetary resources, to provide Member States, upon request, and in coordination with the Counter-Terrorism Committee with technical assistance to strengthen international cooperation on terrorism-related criminal justice matters, and request the Secretary-General to convene, subject to the availability of extrabudgetary resources, an expert workshop, taking into account the need for adequate and equitable geographical representation and open to any Member State wishing to participate as an observer, to examine and analyse problems encountered by criminal justice practitioners in affording mutual legal assistance and granting extradition for terrorist offences with a view to identifying proven and promising practices and possible ways of facilitating international cooperation.

2. The full cost of activities envisaged under operative paragraphs 3, 5, 6, 10, 14 and 15 cannot be reasonably estimated at the present stage and is subject to identification of specific activities and requirements, in particular with respect to paragraph 10 and 14. Preliminary estimates of the costs for activities envisaged

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.8/Rev.1, see chapter I, section A, draft resolution III. For the discussion, see chapter V, section B.

under paragraphs 5 and 15 would amount to $171,300. It is envisaged that the implementation of the activities under the draft resolution, if adopted, for which no provisions have been included in the approved programme budget for the biennium 2004-2005, would be subject to the availability of extrabudgetary resources.

3. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

Annex XVI

Financial statement on the revised draft resolution on United Nations standards and norms in crime prevention and criminal justice*

1. In operative paragraphs 11-13 and 15 of the revised draft resolution, the Economic and Social Council would request the Secretary-General to assist Member States, upon request, subject to the availability of extrabudgetary resources, in the use and application of United Nations standards and norms in crime prevention and criminal justice through the development and implementation of technical assistance projects aimed at criminal justice reform; request the United Nations Office on Drugs and Crime to continue to work with the Department of Peacekeeping Operations of the Secretariat and other relevant entities responsible for providing assistance to countries in post-conflict situations and, subject to the availability of extrabudgetary resources, to strengthen its capacity to provide technical assistance and advisory services to post-conflict reconstruction efforts; request the Secretary-General to keep the development of legal, institutional and practical arrangements for international cooperation under review, through appropriate mechanisms such as, subject to the availability of extrabudgetary resources, the revision of manuals; request the Secretary-General to convene a meeting of an intergovernmental group of experts, with representation based on the regional composition of the Commission on Crime Prevention and Criminal Justice and open to observers, subject to the availability of extrabudgetary resources, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to design information-gathering instruments on United Nations standards and norms related to legal, institutional and practical arrangements for international cooperation and to crime prevention and victim issues.

2. The full cost of the activities envisaged under operative paragraphs 11-13 and 15 cannot be reasonably estimated at the present stage and is subject to further identification of specific activities and requirements. A preliminary estimate of the cost for the activities envisaged under paragraph 15 would amount to $84,000.

3. It is envisaged that the implementation of the activities of the revised draft resolution, if adopted, for which no provisions have been included in the approved programme budget for the biennium 2004-2005, would be funded from extrabudgetary resources.

4. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.9/Rev.1, see chapter I, section B, draft resolution V. For the discussion, see chapter VI, section B.

Annex XVII

Human security in the context of crime prevention and criminal justice

The Commission on Crime Prevention and Criminal Justice,

Emphasizing the need to apply knowledge-based, multidisciplinary approaches in order to prevent and combat crime,

Recalling Economic and Social Council resolution 2002/13 of 24 July 2002 on action to promote effective crime prevention, in which the Council accepted the Guidelines for the Prevention of Crime annexed to that resolution,

Taking note of the report entitled *Human Security Now: Protecting and Empowering People*,[a] prepared by the Commission on Human Security, an independent body chaired by Sadako Ogata and Amartya Sen, and submitted to the Secretary-General,

Noting with satisfaction the establishment of a United Nations Trust Fund for Human Security,

1. *Stresses* that crime, in particular organized crime, corruption and terrorism, pose a threat to human security;

2. *Requests* the United Nations Office on Drugs and Crime to organize, in close consultation with Member States and subject to the availability of extrabudgetary resources, a seminar or workshop on the nature of the relationship between human security and crime prevention, including victim assistance, to be held in the near future;

3. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of the present resolution.

[a] Commission on Human Security, *Human Security Now: Protecting and Empowering People* (United Nations publication, Sales No. E.03.III.U.2).

Annex XVIII

Financial statement on the revised draft resolution on protection against trafficking in cultural property*

1. In operative paragraph 3 of the revised draft resolution, the Economic and Social Council would request the Secretary-General to direct the United Nations Office on Drugs and Crime, in close cooperation with United Nations Educational, Scientific and Cultural Organization and subject to the availability of extrabudgetary resources, to convene an expert group meeting to submit relevant recommendations to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on protection against trafficking in cultural property, including ways of making more effective the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property.

2. A preliminary estimate of the cost of the activities envisaged under operative paragraph 3, including a meeting of 20 experts representing four countries from each region and the preparation of the report, would amount to approximately $121,900.

3. It is envisaged that the implementation of the activities of the revised draft resolution, if adopted, for which no provisions have been included in the approved programme budget for the biennium 2004-2005, would be funded from extrabudgetary resources.

4. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.19/Rev.1, see chapter I, section B, draft resolution XI. For the discussion, see chapter VI, section B.

Annex XIX

Financial statement on the revised draft resolution on preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice*

1. In operative paragraphs 10, 13, 15 and 17 of the revised draft resolution, the General Assembly would reiterate its request to the Secretary-General to make available the resources necessary to ensure the participation of the least developed countries in the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, in accordance with past practice; request the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Eleventh Congress as well as meetings of professional and geographical interest groups and to take appropriate measures to encourage the participation of the academic and research community in the Congress; request the Secretary-General to ensure, in collaboration with Member States, a wide and effective programme of public information relating to the preparations for the Eleventh Congress, to the Congress itself and to the follow-up to and implementation of its recommendations; and request the Secretary-General to prepare an overview of the state of crime and criminal justice worldwide for presentation at the Eleventh Congress.

2. For the biennium 2004-2005, resources have been appropriated under section 16, Crime prevention and criminal justice, for the participation of the least developed countries in the regional preparatory meetings for the Eleventh Congress and at the Congress itself, in accordance with past practice, and, under section 28, Public information, for public information relating to the Eleventh Congress. Hence adoption of the draft resolution would not entail any additional appropriation.

3. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2004/L.3/Rev.1, see chapter I, section A, draft resolution I. For the discussion, see chapter VII, section B.

Annex XX

List of documents before the Commission at its thirteenth session

Document number	*Agenda item*	*Title or description*
E/CN.15/2004/1/Rev.1 and Corr.1	2	Provisional agenda, annotations and proposed organization of work
E/CN.7/2004/9-E/CN.15/2004/2	4	Report of the Executive Director on development, security and justice for all
E/CN.15/2004/3	3	Note by the Secretary-General on the thematic discussion on the rule of law and development: the contribution of operational activities in crime prevention and criminal justice
E/CN.15/2004/4	5	Report of the Secretary-General on the activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network
E/CN.15/2004/5	5	Report of the Secretary-General on the United Nations Convention against Transnational Organized Crime and the Protocols thereto
E/CN.15/2004/6	5	Report of the Secretary-General on the United Nations Convention against Corruption
E/CN.15/2004/7 and Add.1	5	Report of the Secretary-General on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims
E/CN.15/2004/8 and Add.1	6	Report of the Secretary-General on strengthening international cooperation and technical assistance in preventing and combating terrorism
E/CN.15/2004/9	7	Report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice
E/CN.15/2004/9/Add.1	7	Report of the Intergovernmental Expert Group Meeting on United Nations Standards and Norms in Crime Prevention and Criminal Justice, held in Vienna from 23 to 25 March 2004
E/CN.15/2004/10 and Add.1	7	Report of the Secretary-General on the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property
E/CN.15/2004/11	8	Report of the Secretary-General on preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice
E/CN.15/2004/12 and Add.1	7	Report of the Secretary-General on good practices in crime prevention
E/CN.15/2004/13	9	Note by the Secretary-General on the proposed strategic framework for the biennium 2006-2007

Document number	*Agenda item*	*Title or description*
E/CN.15/2004/14 and Corr.1	9	Report of the Secretary-General on the functioning of the Commission on Crime Prevention and Criminal Justice and the management of the United Nations Crime Prevention and Criminal Justice Fund
E/CN.15/2004/15	9	Note by the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute
E/CN.15/2004/L.1 and Add.1-7 and Add.8/Rev.1 and Add.9	11	Draft report
E/CN.15/2004/L.2/Rev.1	5	Establishment of an intergovernmental expert group to prepare a draft model bilateral agreement on disposal of confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988: revised draft resolution
E/CN.15/2004/L.3/Rev.1	8	Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice: revised draft resolution
E/CN.15/2004/L.4/Rev.1	3	The rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction: revised draft resolution
E/CN.15/2004/L.5/Rev.1	9	Assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of conferences of States parties: revised draft resolution
E/CN.15/2004/L.6/Rev.1	5	International cooperation in the prevention, investigation, prosecution and punishment of fraud, the criminal misuse and falsification of identity and related crimes: revised draft resolution
E/CN.15/2004/L.7/Rev.1	5	Guidelines on justice for child victims and witnesses of crime: revised draft resolution
E/CN.15/2004/L.8/Rev.1	6	Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime: revised draft resolution
E/CN.15/2004/L.9/Rev.1	7	United Nations standards and norms in crime prevention and criminal justice: revised draft resolution

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E/CN.15/2004/L.10/Rev.1	5	Strengthening international cooperation and technical assistance in combating money-laundering: revised draft resolution
E/CN.15/2004/L.11/Rev.1	5	International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims: revised draft resolution
E/CN.15/2004/L.12/Rev.1	5	Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption: revised draft resolution
E/CN.15/2004/L.13/Rev.1	5	Preventing, combating and punishing trafficking in human organs: revised draft resolution
E/CN.15/2004/L.14/Rev.1	5	Second World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice: revised draft resolution
E/CN.15/2004/L.15/Rev.1	5	Prevention of urban crime: revised draft resolution
E/CN.15/2004/L.16/Rev.1	4	Implementation of technical assistance projects in Africa by the United Nations Office on Drugs and Crime: revised draft resolution
E/CN.15/2004/L.17/Rev.1	7	Human security in the context of crime prevention and criminal justice: revised draft resolution
E/CN.15/2004/L.18/Rev.1	4	Strengthening the technical cooperation capacity of the Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime: revised draft resolution
E/CN.15/2004/L.19/Rev.1	7	Protection against trafficking in cultural property: revised draft resolution
E/CN.15/2004/L.20/Rev.1	5	International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: revised draft resolution
E/CN.15/2004/L.21/Rev.1	4	Combating the spread of HIV/AIDS in criminal justice, pre-trial and correctional facilities: revised draft resolution
E/CN.15/2004/CRP.1	5	Trafficking in human organs: background paper submitted by the Council of the Arab Ministers of the Interior

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E/CN.15/2004/CRP.2	5	Report on an experts meeting submitted by the United Nations Interregional Crime and Justice Research Institute: Building up training strategies to counter trafficking in human beings to and within peace support operation areas in South-Eastern Europe
E/CN.15/2004/CRP.3	4	Report on the activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network
E/CN.15/2004/CRP.4	5	Paper submitted by the European Commission on the summary of selected key measures and activities undertaken at the European Union level in areas relevant to the Economic and Social Council resolutions
E/CN.15/2004/CRP.5	5	Organized crime, corruption and terrorism: threats to security and development: the role of the United Nations
E/CN.15/2004/CRP.6	7	Draft information-gathering instrument on standards and norms primarily related to alternatives to imprisonment
E/CN.15/2004/CRP.7	7	Draft information-gathering instrument on standards and norms primarily related to persons in custody
E/CN.15/2004/CRP.8	7	Draft information-gathering instrument on standards and norms primarily related to juvenile justice
E/CN.15/2004/CRP.9	7	Draft information-gathering instrument on standards and norms primarily related to restorative justice
E/CN.15/2004/CRP.10	5	Draft Model Law on Extradition
E/CN.15/2004/CRP.11	5	Revised manuals on the Model Treaty on Extradition and on the Model Treaty on Mutual Assistance in Criminal Matters
E/CN.15/2004/NGO/1	5	Statement submitted by a group of non-governmental organizations on agenda item 5
E/CN.15/2004/NGO/2	5	Plans of action in Asia for the implementation of the Vienna Declaration on Crime and Justice: report of a working group meeting organized by the Asia Crime Prevention Foundation